

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 4:15-CR-00404 HEA
)
MICHAEL GRADY and OSCAR)
DILLON, III,)
)
Defendants.)

JURY TRIAL

Volume 12

BEFORE THE HONORABLE HENRY E. AUTREY
UNITED STATES DISTRICT JUDGE

APRIL 6, 2021

APPEARANCES:

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(APPEARANCES CONTINUED ON PAGE 2)

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(WHEREIN THE COURT'S INSTRUCTIONS TO THE JURY WERE REPORTED
BUT OF WHICH ARE NOT CONTAINED HEREIN)
(THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT, WITH THE
DEFENDANTS PRESENT, WITHIN THE HEARING AND PRESENCE OF THE
JURY.)

THE COURT: Mr. Reilly, are you ready to proceed?

MR. REILLY: Yes, Your Honor.

THE COURT: I've provided copies of the instructions to each counsel. If you wish to use the Court's instructions, I will have them available for you from the clerk, okay?

MR. REILLY: Thank you, Judge. May it please the Court, Counsel, prosecution team. Ladies and gentlemen of the jury, first of all, we thank you. This has been a long trial during COVID. You've been an attentive jury. That's been clear to everyone. There are aspects of this process that may have tested your patience. We understand that. Having said that, please don't let it keep you from doing what justice requires in this case. One of the instructions Judge Autrey read to you, which is a great overall guide for your deliberations and the process you are about to embark on, is that "the law demands of you a just verdict unaffected by anything but the evidence, your common sense, and the law as I give it to you." Judge Autrey has now given you the law. So it's the evidence, your common sense, and the law that Judge Autrey has instructed you upon.

1 Now, in this case, to be blunt with you, the United
2 States has presented overwhelming evidence. We have presented
3 credible eyewitnesses, including cooperating witnesses with
4 insider information, about the highest levels of organized
5 crime in this town. That's Mr. Terry and Mr. Williams. And
6 you have had the chance to evaluate their demeanor, and we'll
7 talk about some of the evidence that will help you assess what
8 they have told you and evidence that corroborates them, things
9 that demonstrate the reasonableness of their testimony in
10 light of all the evidence in the case. We will walk through
11 that.

12 In terms of your measure of these witnesses, as
13 Mr. Boyce suggested to you in the opening statement, we'll ask
14 you to be critical of these witnesses. There is no question.
15 We told you at jury selection they have criminal histories.
16 They are large-scale drug dealers, and they want something.
17 They are looking for a reduction in their sentences. Under
18 all those circumstances, you should be critical of their
19 testimony. That's your job as a juror. And Judge Autrey has
20 now given you the credibility instruction. Having said that,
21 we also ask you to be fair to them, all right? When you look
22 at all the circumstances and as we walk through the evidence
23 here -- and you have heard a great deal of evidence in this
24 case, it's been a dense case in terms of the presentation of
25 evidence -- there is many things along the way that should

1 make you comfortable with an assessment of information that
2 you are being given, and we are about to embark on a journey
3 through the evidence in this case.

4 Now, the other thing to remember, these two
5 witnesses, all the witnesses in the case, but Williams and
6 Mr. Terry in particular, granted they had lengthy direct
7 examinations, but they had extensive cross examinations, and
8 there was no material change to any of their testimony. What
9 they told you on direct examination stood and in some cases
10 even got stronger during cross examination, very lengthy cross
11 examinations I might add.

12 Judge Autrey has talked to you about the elements of
13 the offenses, and we will get through those, but I want to
14 emphasize the conspiracy instruction. A person joins an
15 agreement -- in terms of conspiracy overall, when we walk
16 through the verdict director, it's clear that Terry and
17 Williams and Company already had an ongoing drug distribution
18 conspiracy. We are not saying the defendants were involved in
19 the conspiracy at the outset of it. Terry and Williams had
20 been dealing narcotics since 2012 controlling that Marcus area
21 in North St. Louis that they told you about, and they
22 continued to rise in their stature and scope of their kilogram
23 level cocaine and heroin dealings. At times, they worked with
24 other dealers including Lemons and Jordan. They had mutually
25 beneficial relationships, which is one of the reasons

1 cooperators are so dangerous to organized criminals. They are
2 a powerful tool for law enforcement, but they are a
3 significant liability for drug dealers, particularly these
4 large-scale drug dealers that you are hearing from in this
5 case. So in terms of an existing conspiracy, from the
6 evidence you have heard, there was a massive drug conspiracy
7 in this case including the Terry organization. They were
8 interrelated to some extent, but view the Grady/Dillon
9 relationship, it's not with Lemons, it's not necessarily with
10 Jordan, maybe it might have touched on Jordan, but it's with
11 the Terry organization. So the fact that a conspiracy existed
12 is clear-cut.

13 The second element is did the defendants knowingly
14 and intentionally join the conspiracy. One of the points upon
15 which Judge Autrey just instructed you was that a person joins
16 an agreement to distribute a controlled substance by
17 voluntarily and intentionally participating in the unlawful
18 plan with the intent to further the crime of distribution of a
19 controlled substance. That's a person joins an agreement to
20 distribute a controlled substance by voluntarily and
21 intentionally participating in the unlawful plan with the
22 intent to further the crime of distribution of a controlled
23 substance. Some things to keep in mind here. This is a
24 different case in terms of the level at which these defendants
25 engaged Terry initially, and we are not saying the initial

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1 contact about the supervised release violation was necessarily
2 to further the goal of distribution of a controlled substance,
3 but it transitioned into something else, and that was
4 providing information about the cooperators. But if you look
5 at and assess how they initially contacted Terry, Mr. Dillon
6 over here approached Mr. Terry. They approached a top-level
7 drug dealer in the St. Louis area in 2014, and Mr. Dillon
8 talked to him about the supervised release issues he was
9 having. Mr. Dillon represented that he beat a federal case.
10 So in terms of the unique posture of their relationship with
11 Terry, they didn't contact him initially to work on his real
12 estate. They didn't contact him to replace his roof. They
13 contacted him in relation to a federal drug distribution case
14 for which he was on supervised release. That's in the
15 backdrop of their knowledge and their intent in this case.
16 That is a significant fact.

17 And from the beginning, we also told you, ladies and
18 gentlemen, we have never said -- and we talked about this in
19 jury selection and opening statement, we have not represented
20 that either of these defendants were hands-on in this case
21 with narcotics. As Terry told you, he already had people that
22 handled drugs, distributed drugs. No, they actually did
23 something that was more sophisticated. And having said that,
24 we have to prove all those elements of the conspiracy beyond a
25 reasonable doubt. But these defendants provided a more

1 sophisticated service to Derrick Terry and his organization,
2 and that was the invaluable information to help assess who was
3 cooperating, who might be a liability for the organization,
4 who can you and can't you deal with, and there were other ways
5 in which Terry told you he could leverage that information.

6 As we go through the evidence, the Court has also
7 given you an important instruction. You are tasked with
8 deciding what somebody's mental state is, and the Court has
9 given you an important instruction in relation to the third
10 point of the conspiracy, and that is whether the defendants
11 knew the purpose of the agreement when they joined it. And
12 one of the things Judge Autrey just read to you, it is seldom
13 if ever possible to determine directly what was in a
14 defendant's mind. It's seldom if ever possible to determine
15 directly what was in the defendant's mind. Thus, the
16 defendant's knowledge of the agreement and its purpose can be
17 proved like anything else, from reasonable conclusions drawn
18 from the evidence. That's from reasonable conclusions drawn
19 from the evidence. And you have heard a lot of evidence that
20 should help you decide what their mental state was.

21 There is another instruction contained in this packet
22 that talks about intent and knowledge. It's at the end of the
23 packet, and you can consider it as to all the offenses that we
24 are going to walk through here. Intent or knowledge -- this
25 is instruction 45. "Intent or knowledge may be proved like

1 anything else. You may consider any statements made and acts
2 done by the defendant and all the facts and circumstances in
3 evidence which may aid in the determination of the defendant's
4 knowledge or intent. You may but are not required to infer
5 that a person intends the natural and probable consequences of
6 acts knowingly done or knowingly omitted." So it's making
7 decisions from the facts and circumstances of the case. That
8 may also sound obvious, but it's all contained in the
9 instructions. And it was a lengthy packet of instructions.
10 They are all equally important. I don't mean to single any of
11 them out, but those are things that may help you make
12 assessments as we go through.

13 The evidence and the reasonable inferences to be
14 drawn from the evidence establish the conspiratorial
15 relationships between Terry and Dillon and Grady. And let's
16 step back for a moment and look. We are going to do a
17 high-level overview and then we will start walking through the
18 verdict directors and what the Government must prove beyond a
19 reasonable doubt. In this case, we are going to ask you as
20 the investigators did to follow the evidence. You had a
21 specialized organized crime investigative unit and group,
22 members of the DEA, the Drug Enforcement Administration, the
23 FBI, and the St. Louis Police Department Intelligence
24 Division, specialized investigators were doing their duty.
25 They were conducting an investigation of a large-scale drug

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1 trafficking organization and other elements associated with it
2 that were violent. So they are investigating, they are doing
3 what they are obligated to do. They are doing their duty
4 investigating a large-scale drug trafficking organization, the
5 Lemons organization, and investigating Jordan, and they start
6 to develop links during the investigation. They follow the
7 evidence. Eventually, this led them to the Terry organization
8 and Terry's association with Jordan.

9 As you heard on January 13th, the investigators did a
10 large-scale round-up directed to not only Terry but Lemons and
11 other members of that organization. Jordan had already been
12 taken into custody. But look at how we get to the defendants.
13 As has been established by the evidence, they were never part
14 of this case or on the radar before January 29th. But Terry
15 disappeared, his organization to the trained investigators
16 continued to distribute drugs, so the investigators after
17 massive operations on the 13th turned around and continued to
18 investigate the Terry organization up in that Marcus area.
19 And as they did that, they executed another round of search
20 warrants and enforcement actions on January 29th. You will
21 recall they contacted Mr. Williams. They contacted the other
22 defendant, Richard Scott. They seized narcotics, cocaine and
23 heroin. Again, that's consistent with the operation of the
24 conspiracy. The conspiracy was ongoing.

25 Now, let's look at some of the things that developed

1 as the investigators were following the evidence. Task Force
2 Officer Gaddy here was speaking with Mr. Somogye and
3 Mr. Williams back at the Drug Enforcement Administration when
4 Mr. Williams began to talk about the Terry operation and his
5 relationship with Derrick Terry. As they progressed through
6 the interview, he raised the fact that Terry had fled the
7 jurisdiction, and things eventually led to the identification
8 of the defendants, Dillon and Michael Grady. And then think
9 about what happens during the course of the interview. And
10 there are certain things in this case that are obvious and
11 they are right in front of you. Don't minimize the
12 significance of some things that may appear so basic. Oh, he
13 called Stanford Williams. Michael Grady called Stanford
14 Williams at 11:37 on January 29th while Williams was being
15 investigated -- or being talked to by the Drug Enforcement
16 Administration. The mere fact of that phone call, the mere
17 fact of that phone call, and the mere fact that Grady has
18 Stanford Williams's phone number is evidence of conspiratorial
19 associations in this case.

20 What's the common link between Stanford Williams and
21 Michael Grady? It's Derrick Terry. Michael Grady is working
22 with Derrick Terry, and the mere fact that he is contacting
23 the Terry's conspirators is so significant in terms of the
24 associations of this case. The timing of that is also
25 significant. It's after an enforcement action. It's after an

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1 enforcement action. It's fair for you to infer that Mr. Grady
2 is checking on Mr. Williams, all right? And there is other
3 contacts. You will recall he contacted him first. Williams
4 called Grady on the 15th. He used his family phone for that,
5 but then the contact then switched to Williams's dope phone.

6 And let's talk about what else happened on that day.
7 On January 29th -- and we only know this now because of the
8 outstanding efforts of law enforcement in this case to track
9 down Derrick Terry. The only reason we have the text message
10 on the 29th and the only reason we know about that is because
11 law enforcement actually tracked Terry down some approximately
12 six months later down in Dallas and recovered the broken
13 phone, which fortunately a forensic search was able to recover
14 the content of this text message: "They arrested Stan today
15 down on Cottage." That's to Charda Davis on a
16 compartmentalized phone, on the 217 number. It wasn't her 314
17 number. That was the phone that she was using to communicate
18 with Michael Grady. So the significance of that, again why is
19 Grady contacting Charda Davis and Stanford Williams? Why
20 contact Terry's associates? Well, again the common
21 denominator there is Derrick Terry. Grady is not working for
22 Stanford Williams. He is not working for Charda Davis at that
23 time. And so that contact is significant.

24 That contact, why do you have it? Well, they know
25 Terry is gone and/or they are not having direct communications

1 with him. And when I say Grady contacted him, we'll walk
2 through some of the communications later, but don't dismiss
3 for a minute what's really happening with this communication.
4 There are several instances in which Defendant Dillon is in
5 very close contact with Grady when he is reaching out to
6 Williams -- when I say he, I mean Grady -- Grady is having
7 contact with Williams and Davis. That is compartmentalized
8 communications. And we will get to September 7th and
9 compartmentalized communications in a moment here. So why are
10 they contacting Terry's associates? Why is that happening?
11 Well, it's because they know Terry is gone. And how do they
12 know Terry is gone? Why do you transition to his associates
13 instead of dealing with the boss, the organized crime boss?
14 Because you know he's gone. And how do you know he's gone?
15 Because you told him to leave, okay, at Applebee's.

16 We have the seizure of documents at Kennerly on the
17 29th. On February 12th, can we pull that photograph up.
18 Here's another thing that may seem obvious, may seem obvious
19 or, oh, this is just it's Oscar Dillon talking to Stanford
20 Williams's attorney. Let's talk about what that really means
21 for a minute. Oscar Dillon doesn't work for Stanford
22 Williams. Again, what's the common denominator here? It's
23 Derrick Terry. He is here checking on the proceeding. And
24 you must assume he's got some type of interest in this case,
25 perhaps a financial interest. There is some reason he is in

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1 court, he is at Stanford Williams's court. He is motivated by
2 something. We know all these drug dealers are motivated by
3 money, and we know these guys have been paid money based on
4 the information by Terry, so he shows up at Stanford
5 Williams's court proceeding. And think about the significance
6 of this. You know, he is collecting -- and you will recall
7 the testimony of Task Force Officer Gaddy. He saw Dillon
8 approach Joseph Hogan, the attorney for Williams. It wasn't
9 vice versa. He is going up to find out information. And Mr.
10 Glozman was right about one thing, he is not wearing a ski
11 mask. He is absolutely not. He is also -- he is doing two
12 things. He is trying to collect information for Terry, but
13 he's also sending the most basic kind of message that someone
14 can send.

15 You'll recall, this was a sensitive part of this
16 organized crime investigation. High-level organized crime
17 leaders and you are at a very sensitive point because the
18 investigators are attempting to get the cooperation of
19 Stanford Williams to give them this so significant information
20 about Terry's drug operations, Terry's location, and so
21 basically you have got Grady making the phone call right after
22 he is arrested, there is a flurry of phone activity between
23 Grady and Dillon over the course of the day on the 29th, and
24 then we have Mr. Dillon here on the 12th of February, and that
25 is to send a clear message. He is not wearing a ski mask, and

1 the message is we are watching you. That's why he is at
2 Stanford Williams's court date aside from trying to collect
3 information. And you may say, well, why would he do that?
4 Well, some people are bold. That's how these groups work.
5 Part of it is by intimidation, and that's exactly what this
6 is. Don't let them for a minute try to convince you this is
7 anything else other than trying to collect information and
8 sending a message to Stanford Williams and his attorney we're
9 watching you.

10 So we move forward in the investigation, you recall
11 Terry was arrested after much investigation. They arrested
12 Gerry Cushshon in a bar in North St. Louis in May, but Terry
13 was gone. He was in Dallas. And Terry gets arrested down in
14 Dallas, and that's when they find the phone with the link to
15 Davis and they eventually bring him back to the jurisdiction.

16 So if we look at September 7th, as we move forward on
17 the timeline, just big picture, high-level overview,
18 September 7th of 2016 and we are about to start getting more
19 information once Mr. Dillon's phones are seized. The
20 investigators don't know who is going to show up on
21 September 7th. They don't know who is going to show up at The
22 Silver Lining. They are working a separate investigation.
23 And well who does show up? It's Oscar Dillon. He is in the
24 Camry checking out The Silver Lining at 10:00 a.m. consistent
25 with the text message later recovered from the phone in the

1 car, "been here since 10", and he's basically in and out all
2 day skulking around The Silver Lining. He is driving in and
3 out. He is walking in and out of the building. He's got the
4 key.

5 And think about the events that occur, okay? The
6 investigators contact him after he uses the key to open the
7 door to the bar and signs a false name accepting the package,
8 puts the keys -- keeps the keys and walks out of the bar after
9 he signed the fake name, David Russell, not his name, to
10 receive the 10-kilogram package of cocaine. He exits the bar.
11 The investigators contact him. They seize the Camry. They
12 execute a search warrant, and among the items recovered in the
13 executed search warrant are the five phones recovered from the
14 vehicle. With that, they seize the rental contract, and one
15 of the phones has the exact same phone number listed under the
16 wife as the person, Jasmine Simmons, who rented the vehicle.
17 So essentially, he's in control of the vehicle. It's rented
18 by the person that he refers to as the wife. He is the only
19 person in the vehicle all day. He controls the vehicle and
20 the things in it. That includes the phones. And from the
21 phones, we recover significant evidence in this case. That's
22 what starts giving you more information that corroborates
23 Terry's account of these events, including that Dillon was
24 running on July 15th Antonio Washington's federal case. He
25 was running that on August 5th. That was before the Jordan

1 search warrants were executed on August 6th.

2 So as the investigators continue to go through the
3 phone or eventually when they get through the phone, they
4 recover documents and text messages that are relevant to this
5 case that include the Dominic Irons, the McGhee text messages,
6 headed to Kennerly. And with that, you can also see the level
7 of sophistication, the compartmentalized phones that were used
8 in the investigation -- or that Mr. Dillon had. There is a
9 level of sophistication. The 56D phone set up the 10-kilogram
10 delivery, and the 56D phone, that's an example of just using
11 that phone for that drug transaction. There is another flip
12 phone with the transaction seized from the car, but then we
13 get into two smartphones where we seized relevant information
14 to this investigation. So part of those events are also going
15 to be relevant to helping you get comfortable with the fact
16 that the evidence the way these folks related to -- Dillon and
17 Grady related to Williams and Davis, it was compartmentalized,
18 and that was intentional. Grady had the direct
19 communications, but he was in close communications with
20 Terry -- or with Dillon as Grady was in touch with Williams
21 and Davis on some occasions.

22 So then we move forward after nearly a yearlong
23 investigation, which included Williams and Terry's Grand Jury
24 appearances, the Grand Jury returned indictments against the
25 defendants in early December. They were indicted along with

1 30 other people at that point as Lanham told you, Task Force
2 Officer Lanham told you, and on December 2nd at the search of
3 Grady's Congress residence, there were various documents that
4 corroborated Terry's description of his relationship with
5 Grady and the events that occurred with Grady and Dillon.

6 Now, these are facts in the case, all right? These
7 are the facts of the case. These are not facts that are made
8 up by cooperators or law enforcement officers. These are
9 facts, evidence, data, records, things seized during the
10 course of the investigation for your consideration. Now, in
11 terms of what the law requires, Mr. Boyce told you in opening
12 statement it requires an act in a mental state, and
13 essentially at this point when you walk through the events and
14 the corroboration that we'll discuss as we move through the
15 evidence, it really comes down to what is the mental state.
16 The events occurred. It's that simple. You have heard
17 credible evidence that's been corroborated by electronic data
18 and other factors, documents seized.

19 Let's talk about the jury instructions for just a
20 moment. Some people refer to the verdict directors that Judge
21 Autrey read to you as funnels. They help narrow the issues
22 for your consideration what the Government must actually prove
23 beyond a reasonable doubt. And there is three or four
24 elements that make up each offense in this case, and we'll
25 just touch on that. I'm going to move into the conspiracy

1 verdict director and talk about that first. That's Count One.

2 Reasonable doubt as Judge Autrey has defined it for
3 you in Count 26, this is our burden. This is the burden that
4 the United States must meet. "Reasonable doubt is a doubt
5 based upon reason and common sense and not doubt based on
6 speculation." That's reason and common sense not doubt based
7 on speculation. Remember that. It's not based on
8 speculation, but it's based on the evidence that you have
9 heard. "A reasonable doubt may arise from careful and
10 impartial consideration of all the evidence or from a lack of
11 evidence. Proof beyond a reasonable doubt is proof of such a
12 convincing character that a reasonable person after careful
13 consideration would not hesitate to rely and act upon that in
14 life's most important decisions. Proof beyond a reasonable
15 doubt is proof that leaves you firmly convinced" -- that's
16 firmly convinced -- "of the defendant's guilt. Proof beyond a
17 reasonable doubt does not mean proof beyond all doubt or
18 beyond all possible doubt." So hold us to our burden. We
19 must firmly convince you. Don't hold us above our burden. If
20 I had to prove beyond all possible doubt that I was the same
21 person who spoke to you in jury selection, that might not be
22 possible to prove beyond all possible doubt, but our burden is
23 to firmly convince you.

24 As to the elements of the verdict director for
25 conspiracy, so Count One, "beginning at an exact time unknown

1 to the Grand Jury but including 2012 and continuing thereafter
2 to the date of the indictment, two or more people reached an
3 agreement to commit the crime of distribution of a controlled
4 substance." That's the Terry organization. And as we stated
5 earlier, we don't have the defendants joining until sometime
6 in 2014 or thereafter as that relationship transitioned. Some
7 of the points in this instruction that Judge Autrey gave you
8 in the supplemental instructions, the agreement does not need
9 to be formal or in writing. In other words, think about
10 something so basic as if I am in my office with three or four
11 other people and I say why don't we go across the street to
12 The Tin Roof. Nobody says a word. We are going to go over
13 and eat some lunch. Why don't we go get some lunch at The Tin
14 Roof. No one says a word, but we all get up and walk out
15 together and we start walking down to the lobby. Well, that's
16 an agreement, okay? There is no -- it's not in writing
17 obviously. Then maybe we run into another colleague in the
18 lobby of the building, say we are going to lunch, do you want
19 to join us. They may join the group, not say a word. It's
20 still an agreement. I know it's a very simple example, but
21 these agreements with drug trafficking organizations are
22 typically not in writing. They are based on understandings of
23 which you heard a significant amount of evidence.

24 The instruction that Judge Autrey read you also
25 stated that it does not matter whether the crime of

1 distribution of a controlled substance was actually committed
2 or whether the alleged participants actually succeeded in
3 accomplishing their unlawful plan. Here, we know the members
4 of the conspiracy succeeded in distributing controlled
5 substances. We also know that Grady and Dillon joined this
6 agreement while it was in effect and they increased the
7 capacity of the organization as Mr. Terry told you. And we'll
8 get specific about that in a moment here. But to the extent
9 that the defense was asking questions about, well, ultimately,
10 Mr. Terry, you got arrested, you got indicted, well, that
11 doesn't matter because for one thing, he's testified that it
12 improved the capacity of his organization, helped him delay an
13 indictment. But success is immaterial. It's the agreement
14 that is the crime. It's the agreement to commit a crime.

15 The members of the agreement do not all have to join
16 at the same time, and that's clearly Grady and Dillon weren't
17 in on the ground floor with Derrick Terry and Stanford
18 Williams. They joined this agreement as the organization was
19 growing.

20 A person may be a member of the agreement even if the
21 person does not know all the other members of the agreement or
22 the person agreed to play only a minor part in the agreement.
23 Now, here it's clear the defendants engaged this conspiracy at
24 the highest possible level with the boss, with Terry. Some
25 things to think about for that at least in terms of the

1 conspiracy, we know the conspiracy exists. The Terry
2 organization was linked to Lemons, Jordan, and you have the
3 testimony of Williams and Terry as to the scope of their
4 dealings. You also heard the evidence on January 13th --
5 strike that -- on August 25th of 2015 when they are searching
6 or chasing Rainey, they eventually seize the drug notes that
7 implicate TT. When they execute the search warrant of the
8 Lemons residence, they find the notes for D-Boy, TT, and
9 \$245,000 in cash which was seized. We also heard about the
10 large enforcement operation in February of 2015 at Theodosia.
11 So the conspiracy exists. And while some of that evidence
12 relates to the Lemons organization, it is important because it
13 establishes the links between Lemons and D-Boy, Terry, and
14 Jordan, and it also lends credibility when Stanford Williams
15 and Derrick Terry are talking about transactions that involve
16 hundreds of thousands of dollars. Well, that's in reach when
17 you see what was seized from Lemons and you see the notes that
18 were seized and the types of cash that was seized, \$870,000 on
19 February 6th, \$245,000 on January 13th of 2016 during the
20 round-up. And notably, when Terry talks to you about his
21 concerns about money being seized, well, what did law
22 enforcement do with all that money? They seized it, as well
23 they should have.

24 So in the turn-over meeting, the conspiracy was going
25 to continue on January 13th. The conspiracy was ongoing.

1 After Stan Williams met Derrick Terry at the Gents, think
2 about that as your own experience. That's reasonable in light
3 of the evidence that they would meet to have a turn-over. The
4 boss is leaving based on advice from the defendants and he is
5 telling his top lieutenant take over the organization. They
6 discussed the debts and that Williams was going to pay
7 \$144,000 to Shaq, one of the drug distributors in the case.
8 It's natural when Williams thought -- strike that -- when
9 Terry thought his organization, not necessarily Williams or
10 the other people, have been implicated, he is going to turn
11 the organization over. So the conspiracy continues after
12 the 13th all the way through the 29th. And what happens on
13 the 29th is Williams told you is we got caught, otherwise, we
14 would have kept selling drugs, and they would have continued
15 the conspiracy. So the conspiracy is ongoing.

16 The second element of the conspiracy charge involves
17 that "the defendant voluntarily and intentionally joined in
18 the agreement either at the time it was reached or at some
19 later time while it was still in effect. A person joins an
20 agreement to distribute a controlled substance by voluntarily
21 and intentionally participating in the unlawful plan with the
22 intent to further the crime of distribution of a controlled
23 substance." It's not necessary for you to find that the
24 defendant knew all the plans, all the details of the plan, not
25 necessary for you to find that the defendant reached an

1 agreement with every person who was a participant in the
2 agreement. And then it discusses what distribution of a
3 controlled substance, the crime, is, and again we are not
4 alleging these guys were distributing a controlled substance.
5 The evidence is that their actions were providing information
6 to Terry. By doing so, they were voluntarily and
7 intentionally participating in the unlawful plan with the
8 intent to further the crime of distribution of a controlled
9 substance.

10 So the instruction also says the defendants don't
11 necessarily need to know the exact nature of the controlled
12 substance with which they were dealing; in other words, they
13 don't need to know the exact nature of the controlled
14 substance that the conspiracy is dealing with. But think
15 about this. They had met with Terry to try to get him off of
16 supervised release for a possession with intent to distribute
17 cocaine base case. That's alluded to in the court documents.
18 They had seen the Jordan indictment, which we'll get to in
19 just a few moments here, but they had seen the Jordan
20 indictment which dealt with a cocaine conspiracy. They have a
21 significant amount of -- there is a significant amount of
22 evidence that would let you conclude they had knowledge and
23 intent of the size and scope of this organization and they
24 fully intended to support it.

25 So the third thing that must be proved in the

1 conspiracy is "at the time the defendant joined in the
2 agreement, the defendant knew the purpose of the agreement. A
3 person knows the purpose of the agreement if he is aware of
4 the agreement and does not participate in it through
5 ignorance, mistake, carelessness, negligence, or accident."
6 And this is the element where again "it's seldom if ever
7 possible to determine directly what was in the defendant's
8 mind. Thus, the defendant's knowledge of the agreement and
9 its purpose can be proved like anything else, from reasonable
10 conclusions drawn from the evidence."

11 And so let's talk for a moment and put this in plain
12 terms of a legitimate business example, and I am going to talk
13 about Anheuser-Busch, and, of course, it's a legitimate
14 business because they have a legitimate purpose, which is to
15 distribute their products which are legal. So they might have
16 numerous employees or contractors that may have relationships
17 with Anheuser-Busch. And you think about how the organization
18 functions. Of course, all the people don't know each other.
19 The people who work at the bottling section of the operations
20 may not know the people who drive the trucks or the people who
21 work for the distributorship or the people in marketing and
22 research, but they all are working to further the activities
23 of the enterprise. Some of these people are not hands-on with
24 the product. The people who work in marketing and research,
25 for instance, may not be hands-on with the product, all right?

1 So that doesn't mean they are not furthering the activities of
2 the enterprise. Nonetheless, they all voluntarily and
3 intentionally engage in some conduct that furthers the
4 production and distribution of the product. And that's what
5 happens here.

6 I want to talk about advancing the conspiracy at a
7 high level. This represents the Velazquez organization as it
8 relates to Lemons and that supplied other groups. As you will
9 recall, Derrick Terry had other sources of supply. Let's move
10 to the next slide please. In terms of their intent and
11 knowledge and factors that would corroborate their knowledge
12 of -- Grady and Dillon's knowledge of Terry's status as a
13 major league drug dealer, well, they approached him with
14 Dillon at some point representing that he beat a federal case
15 and they want to get him off of supervised release for a drug
16 case. Now, think about this for a minute. Terry says this,
17 but there is nothing about these documents that are tied into
18 Dillon and Grady. It doesn't say their name on it. This is
19 an instance in which he is reliable because when Grady's house
20 is searched, the original documents are recovered from Grady's
21 residence. So this does go to their knowledge.

22 Some things to think about in terms of their
23 relationship and things that they have represented, we have
24 got this contract when Stan Williams -- when Derrick Terry
25 tells you that Dillon introduced Grady as his brother, Dillon

1 introduced Grady as his brother, we have this contract signed
2 by Oscar Dillon and Michael Grady in which they are splitting
3 profits with this Seals and Bailey Legal Services. So the
4 business card, Dillon and Grady are associated with this same
5 business, so it's not a stretch when Derrick Terry says, well,
6 Dillon introduced Grady as a brother and said that he was
7 somebody reliable. Well, they worked together. That's
8 evidence that's seized after the fact that shows that. And
9 then when we look at the Boost Mobile phone, the compartment
10 flip phone that can be compartmentalized on top of the DEA
11 Narcotics Investigators Manual, well, those are all things
12 that go to not only their association and corroborating the
13 witnesses in their case, but it goes to their knowledge and
14 intent when they joined this conspiracy.

15 So they engaged at a high level with Derrick Terry,
16 and then they were paid \$2,500 and the motion failed, and as
17 Terry told you, "They kind of felt like they didn't do their
18 job which got us talking about the reasons why my motions were
19 denied. I felt like I kept getting criminal complaints filed
20 about me. And when the federal courts can't get enough for an
21 indictment, we believed they would not let me off for
22 probation because we moved down the line to looking into
23 people that was telling." And as he said, he already had
24 shooters and drug dealers, he needed them for something else.
25 "This is what kept us together, a dialogue of rats, snitches,

1 and cooperators. If they didn't share my views or have
2 knowledge to fit my narrative, there was no reason to have
3 them around." So they advanced the conspiracy at a high level
4 by rooting out snitches, a powerful law enforcement tool, and
5 they brought with them a degree of sophistication that gave
6 the conspiracy much more of a capacity than somebody who might
7 serve as like a traditional look-out or somebody listening to
8 a police radio scanner. These guys were operating at a whole
9 different level to advance this conspiracy.

10 And think about this. During this whole time frame,
11 there is no case pending against Terry. Why do you need a
12 paralegal and an investigator when you don't have a case
13 pending against you? Because you are trying to put together
14 information to surmise who might be cooperating. "We worked
15 in unison. Me and Grady and Dillon would echo each other's
16 thoughts and strategies in defying the courts and law
17 enforcement to help keep me and my operation clear of them.
18 In doing that, we had to weed out snitches. The dialogue
19 changed from the motion to snitches, who was telling, who
20 caught cases, who was under investigation, what could possibly
21 harm me and possibly stop me from making money like I was,
22 anything that could threaten my livelihood, drug dealing, who
23 was telling, why they was telling, and who they was telling
24 on." He also detailed how having a conversation with these
25 guys was different than a conversation with a lawyer. He

1 could just come right out and tell them what he was looking
2 for.

3 Now, let's talk about some of the things that help
4 lend credibility to what Terry has told you. And we are not
5 going to walk through all the evidence because we don't have
6 time. Can we go back to that for just a minute. Go back to
7 the Jordan indictment, if you would. All right. After the
8 fact, once this almost yearlong investigation was completed
9 and investigators could start to assimilate information, you
10 can't make this up. January 29th at Kennerly, that was
11 Terry's, one of his dope houses, after he left the
12 jurisdiction, investigators did a search warrant and they
13 recovered the Jordan indictment. Where else is that
14 recovered? In Dillon's phone seized on September 7th. Where
15 else is it recovered? Grady's residence at Congress seized on
16 December 2nd. Next slide please. The minute entry regarding
17 Scott Rosenblum, where do we get this document? All three
18 places, all right? Kennerly, Dillon's phone, Congress.
19 Discovery letter, same thing, all three places.

20 Next slide please. The Rosenblum article, okay, this
21 is something that Terry tells you about. You can't make this
22 up. How do you -- he tells about this meeting with Jordan in
23 which Grady and Dillon have these derogatory opinions about
24 Scott Rosenblum, and then what do we find at Kennerly? Well,
25 we find the newspaper article. What do we find at Congress?

1 The original. What do we find on Dillon's phone? Well, he is
2 querying the document the same day he is running one of the
3 cases. He is querying the document on October 6th. Again,
4 you can't make this up.

5 Next slide please. And then we have these text
6 messages, the text messages from Dillon's phone seized on
7 September 7th in which the names, "text me the names", Dominic
8 Irons and Don McGhee. That's on September 4th. That's after
9 Anthony Jordan on the 29th. A single word. You know, the use
10 of a single word with no more, that is an element of
11 sophistication, and then they know where it goes from there.
12 And then "headed to Kennerly", "headed to Kennerly"
13 October 3rd of 2015, long before Terry ever has a case, all
14 right? And what is Kennerly? That's where we recover all the
15 documents.

16 Next documents please. So then we have the Irons and
17 McGhee documents that were discussed. Let's keep moving if
18 you would. You can go through these. This is the Lemons
19 conspiracy with some of the notes that were seized, the money,
20 the notes. And just keep advancing. I will tell you when to
21 stop. There is our note, D-Boy and TT with money that was
22 seized. Again, it corroborates the witnesses, the scope of
23 the drug dealing in this case. That is why you are hearing
24 it.

25 Let's move to the 13th. This is when we have the

1 attempted obstruction of justice, okay? And the elements for
2 this offense as set forth in the obstruction -- or in the
3 instructions, it is premised on something called aiding and
4 abetting. Whoever commits -- this is instruction 33, "Whoever
5 commits an offense against the United States or aids, abets,
6 counsels, commands, induces, or procures its commission is
7 punishable as a principal." The defendant -- these elements
8 are that the defendant attempted to obstruct, influence, or
9 impede an official proceeding, the defendant acted corruptly,
10 and the defendant voluntarily and intentionally carried out
11 some act that was a substantial step toward corruptly
12 obstructing, influencing, or impeding the official proceeding.
13 A person may be found guilty of attempt to obstruct,
14 influence, or impede an official proceeding even if he didn't
15 do every act that constituted the offense charged. Derrick
16 Terry's the one who fled. They counseled him to do it. That
17 is why they are liable for encouraging him to flee.

18 So, in other words, as you move through this, for
19 accomplice liability under this Section 2, the person must
20 have acted in some way for the purpose of causing,
21 encouraging, or aiding the commission of attempted obstruction
22 of justice and have intended to corruptly obstruct, influence,
23 or impede an official proceeding. So they must have acted in
24 some way for the purpose of causing, encouraging, or aiding
25 the commission of attempted obstruction of justice. So that's

1 encouraging when they have the meeting and we have these
2 conversations at Applebee's that we present the indictment,
3 which was later seized from Grady's house. Terry goes into
4 this meeting with -- you have already heard from Stanford that
5 D was going to go on the run, he should go for at least a year
6 to a year and a half to two years. He took that to mean leave
7 town. And Dillon tells Stanford Williams when he came back --
8 if D left, when he came back, he could turn himself in and
9 fight the case better alone than with everybody else. How
10 does Stanford Williams know that unless that conversation
11 occurred? And that's corroborated by the fact that they are
12 contacting him on the phone and we are getting these cell
13 tower hits at Cottage in that general area.

14 Then at the Applebee's, they meet Grady. You have
15 this -- he meets Dillon at the Golden Pancake House, and
16 again, the Golden Pancake House is in Dillon's phone Contacts
17 that were seized on September 7th, and there are calls from
18 the Golden Pancake House with that same number to Grady's
19 phone and then Dillon calls on his personal phone.

20 Next slide please. We have the gap in communication.
21 This is 81A-1 where we have this gap in the afternoon hours
22 consistent with the meeting at Applebee's and the cell tower
23 hit where Grady and Dillon aren't talking to each other
24 roughly between 3:07 and something like 5:30. There is almost
25 a two and a half hour gap in communication.

1 Next slide please. Then we have, you know, Dillon is
2 running this on his phone. He is running this 404 case, this
3 case on his web browser basically from sometime after 11 until
4 sometime shortly after noon. And then we move forward and
5 look at this gap. We have a gap between roughly 12:51 to
6 about 5:20 on his web browser. That's all consistent with an
7 in-person meeting. You have the gap in the phone
8 communication, you have the gap on the web browser. The
9 meeting happened, okay?

10 And as Terry told you, Grady said we can fight this,
11 get lost, go into hiding, go somewhere far out of the
12 metropolitan area is the way Terry took it, throw away your
13 phones. They are allowing the conspiracy to continue. They
14 are part of it. "I agreed, Grady and Dillon was like I need
15 to stay away for 18 months to two years and let the courts do
16 their things, let this boil down, let people enter into
17 agreements and there would be fewer witnesses against him."
18 That is an effort to obstruct or impede the proceeding. It's
19 done for no other reason than to obstruct or impede this case.
20 The scope of this case which you have heard about, that's why
21 they are doing it, to gain an unfair advantage and raise the
22 specter of him being out there that may discourage
23 cooperation. That is corruption to its core, and they
24 encouraged him to do it.

25 He told them -- during the discussion, they said they

1 would be both -- he would get them another 15 or 20 or
2 \$30,000. They were both present for this. He told them to
3 stay in touch with Stan who would be running his operation.
4 He did not believe Stan had been compromised. And as he said
5 later, "I made the choice on my own, but once they had spoken,
6 it was etched into my brain where I could go and get some
7 sunlight." So he made the choice, but it was their
8 counseling. It was, "I had some reserves, but knowing that
9 was best for me to get away and come back in two years, that
10 was what was decided," and that was how he decided he got some
11 sunlight. It was based on their counsel. The only reason
12 they are in a position to have this conversation with him in
13 the first place is because of that existing conspiratorial
14 relationship.

15 There were also documents -- in terms of that
16 relationship, he says they discussed Jerome Lewis. There are
17 documents on Jerome Lewis in Grady's house and Morshay
18 Andrews, a co-defendant, on Dillon's phone. Significantly,
19 Dillon on that web browser had been running Washington before
20 those search warrants were executed. It's all consistent with
21 them looking for Washington and not being able to find him as
22 Terry outlined that to you.

23 Moving quickly through the next couple elements and
24 the offenses, money laundering. Money laundering in this
25 case, there was activity in November of 2015. They are

1 exchanging drug money with Dillon for this lawyer in Chicago.
2 They are an intermediary, a courier. If these transactions
3 are designed in part to conceal the source or location, that
4 is money laundering. The exchange of currency to go to
5 another state through an intermediary, that's a financial
6 transaction. As we moved on, he is indicted. He knows the
7 police are looking for him, he is on the run, and he makes
8 more payments. He is not concealing it from Grady and Dillon
9 nor is he concealing it from Beau Brindley, but he is
10 concealing it from the law enforcement, trying to hide the
11 cash, get it to Brindley before it gets seized by law
12 enforcement. That's reasonable in light of all the evidence.
13 You have seen the seizures that happened with large-scale drug
14 dealers.

15 In terms of the witness tampering with Grady, there
16 is not much to say here on this last count. Williams is
17 represented by counsel. Grady is trained in the law. He has
18 a copy of the indictment and said he was indicted for money
19 laundering. What does he do? First thing he does, he goes
20 right up to Williams, who is represented by counsel. And this
21 is the person who is trained in the law goes right to
22 Williams. And then he says somebody has gone to the Grand
23 Jury. Well, Williams did go to the Grand Jury. As Williams
24 explained, I am like the cat's out of the bag, they are going
25 to know about this. So to smooth things over, he went -- when

1 he was contacted by Lewis, he went to the Muslim service, and
2 that's where Grady presented him with the affidavit and tried
3 to get him to say certain things, like I was not willing to --
4 and as Williams said, I wasn't willing to say that I didn't
5 give him cash, but I would say I didn't engage in a financial
6 transaction because we didn't buy buildings. Remember, Grady
7 also wanted Williams to say that Grady was a paralegal for
8 Williams, and Williams would not put that in there because he
9 was not a paralegal for him.

10 Williams doesn't draft affidavits. This is the kind
11 of thing that Grady does. It is on videotape. Not much to
12 say here. It's with an effort to corruptly encourage Williams
13 -- he tried to corruptly influence the testimony of Williams.
14 That means to persuade someone with conscious of wrongdoing.
15 He is trying to get him to change his statement because he
16 knows that he's got some liability -- Grady knows he's got
17 some liability with this set of actions and Williams's
18 testimony. It's done with the intent to influence. That is
19 to get Williams to shade his testimony if you look at the
20 instructions.

21 Ladies and gentlemen, this was a significant law
22 enforcement investigation, all right? Please keep in mind
23 when you evaluate the cooperators, they are not saying they
24 were hands-on with dope. They are admitting the scope and
25 scale of their illegal conduct. They are corroborated by the

1 evidence we have just discussed. There is no doubt the
2 defense is going to get up here and they are going to attack
3 law enforcement. They will come after the prosecution. We
4 have already seen that from the cross examination with their
5 e-mails, and they are going to come after the cooperators.
6 Keep in mind the evidence in the case. This is a ploy. What
7 it is is it's going to be an effort to distract you from the
8 actual evidence that you have heard in this case.

9 And in terms of where we're headed here with this
10 verdict form, we are going to ask you to -- can I have the
11 ELMO please. The forms are similar as to each man except that
12 there is a separate and fourth instruction as it relates to
13 Defendant Grady. But keep in mind what we're going to ask you
14 to do is return guilty verdicts on all these counts, hold them
15 fully accountable for what they have done. And if you find
16 the defendant guilty of Count One, then you have to check
17 which substances you unanimously find beyond a reasonable
18 doubt were involved in the offense, cocaine, heroin. Based on
19 the knowledge and intent, the knowledge that these defendants
20 have of narcotics dealings as you can glean from the manner of
21 their relationship with Terry, the previous conviction of
22 Grady for heroin conspiracy, and Dillon's actions on
23 September 7th, which relate to a multi-kilogram cocaine
24 transaction, you can find them guilty of knowing that this
25 conspiracy involved both. They approached the Terry

1 organization. They fostered a relationship.

2 If you had found unanimously and beyond a reasonable
3 doubt that cocaine was involved in the offense, you must
4 determine the quantity or mixture or substance attributable to
5 Defendant Grady and the other form will be Dillon as a result
6 of his own conduct and the conduct of the other conspirators
7 reasonably foreseeable to him, and the options are 5 kilograms
8 or more, less than 5 kilograms but more than 500 grams, less
9 than 500 grams. You have to check the quantity that you find
10 unanimously and beyond a reasonable doubt was involved in the
11 offense as it relates to cocaine. Let's talk about that for
12 just a moment. You have their backgrounds in terms of
13 reasonably foreseeable. They went over the Jordan indictment
14 with Terry. You also have Grady's conviction for heroin
15 distribution in terms of reasonably foreseeable. They courted
16 a large-scale heroin and cocaine dealer and developed a
17 relationship with him, took his money, and they also have the
18 knowledge and trade craft that you saw in the -- Dillon has
19 the knowledge and the trade craft that you saw in the
20 10-kilogram case. And if that's not enough, they actually sat
21 down and went over the indictment that was recovered from
22 Grady's house with Terry on January 13th, which specifically
23 detailed the scope of the organization of 5 kilograms.
24 Thereafter, they continued to support this conspiracy.

25 Based on all these circumstances, ladies and

1 gentlemen, we are going to ask you to hold them fully
2 accountable of each count. Mr. Boyce will come back to you in
3 the second half of this argument and ask you to hold the
4 defendants fully accountable for what they have done. Thank
5 you.

6 THE COURT: Ms. Michaelis, do you want to proceed
7 with your closing at this time?

8 MS. MICHAELIS: It would be my preference if we have
9 an offer for a break, that we would take that first.

10 THE COURT: Okay. All right. Well here, let me do
11 this. Hold on. We'll take a short recess, ladies and
12 gentlemen, before the defense begin their closing arguments.
13 During the course of the recess, do not discuss the case
14 amongst yourselves or with anyone else. Do not allow anyone
15 to discuss it within your hearing or presence. Do not form or
16 express any opinions about the case. And most assuredly since
17 we are at this stage of the trial, do not utilize any cell
18 phones or other web-enabled devices you might have that might
19 allow for a discussion or seeing something or hearing
20 something about the case and definitely no use of any social
21 media platforms. Make it ten, ten minutes, Erica, and keep
22 them under your control over there.

23 **(Court Recessed from 12:25 p.m. until 12:45 p.m.)**

24 THE COURT: Ms. Michaelis, proceed.

25 MS. MICHAELIS: Ladies and gentlemen, when I first

1 stood up here two weeks ago, I asked you to verify what the
2 Government was presenting to you, verify whether the testimony
3 matches the physical evidence, because the Government hasn't
4 matched the testimony with the physical evidence, and because
5 they haven't done that, they have failed to meet their burden.

6 This entire investigation began on the day that
7 Stanford Williams was arrested and first mentioned the name
8 Michael Grady. From there, he told the Government a story
9 about meeting with Michael Grady on January 10th or January
10 11th. Whether he could remember the exact date makes no
11 difference because what he described was a series of events
12 that happened before the day of the round-up and a series of
13 events that happened on the day of the round-up. Two separate
14 days, not one, two separate days.

15 The round-up, that was the defining moment of this
16 case. Stanford Williams even said so himself. From the
17 information that Stanford Williams gave the Government, that
18 he met with Michael Grady before the day of the round-up, the
19 Government thought that they had a crime. They thought they
20 could get Michael Grady because before the round-up, the
21 indictment is under seal. Before the round-up, if Michael
22 Grady had access to the sealed indictment, then the Government
23 had a real problem on their hands. Every subsequent step that
24 followed was based on the uncorroborated statement of Stanford
25 Williams. They filed search warrant after search warrant all

1 containing that January 10th or 11th date. They requested
2 phone records, they looked through phones, computers, files,
3 and all of that was based on the uncorroborated statement of
4 Stanford Williams about the meeting that he had with Mr. Grady
5 on the 10th or the 11th. And that is exactly what Detective
6 Gaddy told you. He corroborated information that Stanford
7 Williams gave him about Derrick Terry, but he didn't
8 corroborate what Stanford Williams had told him about Michael
9 Grady.

10 Within a week of talking to Stanford Williams, the
11 Government requested toll records and call detail records that
12 would tell them whether Stanford Williams was telling the
13 truth, but they didn't look at those records, at least not
14 right away. And if Detective Gaddy had tried to corroborate
15 that information, the information that Stanford Williams told
16 him about Michael Grady, he would have discovered right away
17 that Stanford Williams wasn't telling the truth about Michael
18 Grady because the very first thing Williams told them, that he
19 met with Michael Grady on January 10th or the 11th before the
20 day of the round-up, that couldn't be true because Michael
21 Grady was in Florida until January 12th, and that could have
22 been verified by looking at the very phone records that the
23 Government presented to you.

24 That Michael Grady was in Florida before the
25 round-up, that was verified months later, and you can see it

1 by looking at the CAST report that the Government presented to
2 you. On January 12, 2016, the activity on Michael Grady's
3 phone before 10:44 a.m. put Michael Grady in Jacksonville,
4 Florida. And because the way Stanford Williams describes
5 things with that first series of events and the second series
6 of events, if they couldn't -- if those descriptions couldn't
7 be true, Stanford Williams had to change his story. He now
8 had to say that everything happened on the same day, that
9 Terry came over to his house in the morning, that Grady came
10 to him more than once, and then Terry came back and told
11 Williams in the afternoon that Grady advised him to run, and
12 all of this happened before the meeting at Gents that night.

13 But verify it. The Government gave you the tools to
14 verify whether these meetings took place. That CAST report,
15 Williams said Mr. Grady came over to the house on Cottage more
16 than once on January 13th. The Government showed you the CAST
17 report for the 13th and the cell towers there that are
18 activated. The map shows that there was activations showing
19 over a ten-minute period of time, but they didn't present to
20 you any additional maps showing any other meetings on
21 January 13th. Where are the maps of these other meetings?
22 That's reasonable doubt. Also notice in that CAST report,
23 that the second map that was included of Stanford Williams's
24 address shows a different cell tower activation.

25 What did Terry say about that day? That he didn't

1 meet with Williams until the evening of the round-up when he
2 met Williams at Gents Bar. Williams and Terry don't even have
3 their own facts straight. That's reasonable doubt.

4 Stanford Williams's story about what happened the day
5 of the round-up, it doesn't match up with what Terry testified
6 to, but more importantly, it doesn't match up with the
7 physical evidence presented to you. Stanford Williams
8 testified that Terry directed him to give \$10,000 to Michael
9 Grady after the round-up and that he met with Michael Grady
10 and Oscar Dillon at Delmonico's on Euclid and Delmar. Where
11 is the CAST report for that meeting? Where is the expert
12 testimony that showed Mr. Grady's phone using a cell tower
13 near that location? You can believe that if the Government
14 had a report that showed Mr. Grady's cell phone activating
15 near a cell tower near that Delmonico's, they would have shown
16 it to you. The Government doesn't have it. That is
17 reasonable doubt.

18 Where are the records that show Mr. Grady made a
19 deposit of some kind around that time period or another that
20 would show that this meeting actually took place or that money
21 exchanged hands? All we have is Stanford Williams's testimony
22 telling us this meeting happened with nothing to verify it.
23 That is reasonable doubt.

24 When Stanford Williams began to cooperate with the
25 Government, he received a call from Michael Grady. Williams

1 had just told them that Michael Grady advised Derrick Terry to
2 flee and that Mr. Grady and Derrick Terry had ways to talk to
3 each other. Here's the Government's most baffling failure to
4 corroborate, to verify, the information. Detective Gaddy was
5 looking for a fugitive, a dangerous drug dealer, Derrick
6 Terry, and he had just been told by this fugitive's right-hand
7 man that the very person who counseled this fugitive to run,
8 the very person who Williams said still had contact with this
9 fugitive, that person was calling his phone, calling the phone
10 right in front of Detective Gaddy's face, and Detective Gaddy
11 told Williams not to answer. If what Williams said was true,
12 they could have heard in Mr. Grady's own words what he had
13 done. In an ongoing investigation for a dangerous fugitive,
14 why wouldn't the Government want to hear what Michael Grady
15 had to say in that phone call? Why wouldn't they record it?
16 That is reasonable doubt.

17 By the time Stanford Williams got to Lincoln County
18 Jail, Stanford Williams knew that Mr. Grady was a paralegal.
19 That's why Williams reached out to Mr. Grady three months
20 before he and Mr. Grady spoke at the Lincoln County Jail.
21 Three months before this encounter at the jail, Williams sent
22 a letter to his girlfriend stating that he wanted to see D's
23 paralegal because he wanted to know how to recant his
24 statement. Now, Judge Autrey just instructed you on the
25 elements of attempted witness tampering, and one of the

1 elements is that the Government has the burden of proving that
2 Mr. Grady attempted to use corrupt persuasion against Stanford
3 Williams, that he attempted to corruptly persuade Stanford
4 Williams to change his testimony in some way. There is no
5 persuasion here, corrupt or otherwise, because all the way in
6 September of 2016, Stanford Williams wanted to take back what
7 he told the Government. Stanford Williams tried to reach out
8 to the paralegal first, and it wasn't because Mr. Grady was a
9 street person who knew how to handle these things because
10 Stanford Williams told you he didn't know Michael Grady before
11 the day of the round-up. All he knew was that Michael Grady
12 was a paralegal, a paralegal who might be able to tell him how
13 to recant his statement.

14 Williams told you that he was worried about the news
15 getting out that he was cooperating, but he was the one
16 telling multiple people about the fact that he was
17 cooperating. He told his girlfriend, and he wanted her to get
18 in touch with someone Derrick Terry knew and presumably that
19 person would tell Derrick Terry who hated snitches and that
20 person would tell Derrick Terry that Williams was cooperating,
21 and then he sat in the middle of D pod writing this affidavit
22 that said right at the beginning "I am a cooperator". He sat
23 there in the middle for everyone to see what he was doing for
24 anyone who wanted to walk up to that affidavit to see that he
25 had written that he was a cooperator. This is why I urge you

1 to watch those videos from the jail again, watch them for
2 yourself, because the first video that is in the gym when
3 Michael Grady walks in and he ignores Stanford Williams, it is
4 Williams who comes to him first. Williams takes a couple
5 steps forward and then Michael Grady notices him coming over.
6 Williams approached first, which is what is verified by the
7 letter that Williams sent in September. The rest of the 15 or
8 so clips that the Government showed you, you never see Michael
9 Grady and Stanford Williams together again.

10 Let's talk about this affidavit. Firstly, Williams
11 admitted that the information in the affidavit was true. That
12 is what he told you, that the information he put in the
13 affidavit was true. The video the Government showed you of
14 this encounter between Stanford Williams and Michael Grady, it
15 has no sound, so all we have is Stanford Williams's
16 description of what happened, and what he told you was that
17 Michael Grady wanted to know how he ended up on the
18 indictment, that someone must have gone before the Grand Jury,
19 and then Williams responded that he wasn't the one who
20 testified before the Grand Jury. After that, Michael Grady
21 asks to be removed from D pod along with Oscar Dillon. He
22 removed himself and Oscar Dillon from the situation. He
23 didn't stick around to keep an eye on Stanford Williams. He
24 got out of there.

25 When Stanford Williams went to the gym, he told you

1 that for the parts of the video that we couldn't see, that is,
2 of course, when Michael Grady gave him some papers for
3 Williams to copy. And again, Williams tells a story, and when
4 the evidence doesn't match, he changes his story to fit with
5 the evidence. Conveniently, all of these papers that are
6 being passed back and forth in the one part of the gym is the
7 part that we can't see. That's not truth telling. That's
8 giving the Government what they want to hear. So look closely
9 at that video. Look closely at whether you can see anything
10 in Williams's hands when he leaves the gym or when he gets to
11 his bunk. He told you that he had something from Mr. Grady,
12 something in his hands, but verify it, look at the videos.
13 You can't actually see anything in his hands before he pulls
14 out his own papers from underneath the bunk.

15 It took Stanford Williams hours to write that
16 affidavit. It wasn't because he was trying to decide which
17 parts of an original he wanted to include. He was looking at
18 his own paperwork and coming up with his own affidavit without
19 anyone telling him what to write, just like he said he wanted
20 to do in September of 2016 when he asked his girlfriend to
21 send the paralegal to him to be told how to recant his
22 statement. Verify Stanford Williams's version of events
23 because Agent Lanham testified that they searched Michael
24 Grady's jail cell and they recovered documents from his cell,
25 but the Government didn't present you with this original

1 affidavit that Williams claimed Michael Grady gave him to copy
2 because they didn't find one. That is reasonable doubt.

3 Most importantly, there was a third person there who
4 the Government could have called to verify this information to
5 you, and they didn't call him. Now, I expect that you will --
6 or, I'm sorry, Judge Autrey has already instructed you that
7 the Government doesn't have to call every witness to an event,
8 but when you only have the testimony of Stanford Williams who
9 keeps changing his story, whose story doesn't match up with
10 anyone else's, most importantly doesn't match up with the
11 physical evidence, they must verify; otherwise, all we have is
12 the testimony of someone who has every incentive to make sure
13 the Government hears what they want to hear. But, ladies and
14 gentlemen, your job is different. It is your job to seek out
15 the truth here, and you deserved to hear from that third
16 person, Jerome Lewis, in his own words what happened in D pod
17 in December 2016. And I expect the Government will say, well,
18 Ms. Michaelis could have called Jerome Lewis to testify. She
19 could have used the subpoena powers of the court to present
20 Jerome Lewis's testimony, and they are right, but it is not
21 our burden to present that testimony. It is the Government's
22 burden to prove their case beyond a reasonable doubt, and they
23 have chosen to present their case to you through someone who
24 has every incentive to hide the truth from you. They could
25 have verified what Stanford Williams said through Jerome

1 Lewis, but they didn't. That's reasonable doubt.

2 By the time the investigation finally caught up to
3 Derrick Terry, he knew they were coming for him, and he knew
4 they wanted him for murder. That is why he looked for
5 something to point at the police, to hold court in the street.
6 That is what Stanford Williams described it as, the same thing
7 Williams described back on the day of the round-up, that if
8 the police were coming for Derrick Terry for murder, Derrick
9 Terry would hold court in the streets. That's why Williams
10 told Terry to run. He didn't want the cops to shoot his
11 friend, his brother, the man who gave him a start when he was
12 released from prison, the man who rode around on a bike
13 looking for customers for him, the man who gave him a place to
14 live. He didn't want to see that person shoot it out with the
15 police, and that is the same reason Stanford Williams sent
16 down his discovery to Derrick Terry, to make Derrick Terry
17 hide more, to hide better, to keep running.

18 So when the police came for Derrick Terry and he knew
19 that he was going down for murder, he wanted a way out, but he
20 wasn't fast enough and they arrested him. For months he sat
21 in a jail cell trying to think of a way out. He had hired an
22 attorney to fight for him, but fighting was too much of a
23 gamble. What did Derrick Terry tell you about himself? He
24 was clever. He was smart. He told you exactly how he came up
25 with his way out of a life sentence. He could read things in

1 the court documents and integrate those things with what he
2 learned on the street and then he would form opinions about
3 who was cooperating. What Derrick Terry described about using
4 this information he supposedly was getting from Michael Grady
5 and Oscar Dillon, that's what he did to find his way out of
6 his life sentence.

7 Here's how he did it. Anthony Jordan was arrested in
8 August of 2015. Jordan starts getting his discovery right
9 away. He starts getting his discovery shortly after he is
10 arrested. He is talking to Terry for seven months while Terry
11 is out on the streets unindicted. Terry used the same
12 protocol to talk to Jordan that they used to communicate with
13 each other while they were both out on the streets, through
14 intermediaries. That's what Derrick Terry told you. Tone
15 Bone and J Bird went to visit Anthony Jordan, and then Derrick
16 Terry gave money to Anthony Jordan's kids. Anthony Jordan's
17 discovery included information about murders that Terry was a
18 part of, so he knew something was coming. He didn't need
19 Michael Grady to tell him that.

20 Not only that, but Jordan had access to the affidavit
21 for a search warrant for his Sacramento addresses. Agent
22 Lanham testified that this search warrant -- or these search
23 warrants included a detail about a cooperating witness who was
24 driving around with law enforcement, the same cooperating
25 witness who conducted pre-murder surveillance along with

1 Anthony Jordan before they shot Anthony Clark. Agent Lanham
2 also testified to the detail being in the Sacramento Street
3 warrant. Putting two and two together, anyone who knew
4 Antonio Washington who was reading that Sacramento Street
5 warrant would know right away that Antonio Washington was
6 cooperating and that he drove around with law enforcement. It
7 didn't come from Michael Grady. It came from the discovery.

8 Every other piece of information that Terry had about
9 Antonio Washington and his cooperation, it came from Anthony
10 Jordan or it came from Derrick Terry's own experience, his own
11 observations. He said that when Antonio Washington was
12 arrested, he and Anthony Jordan went to talk to Antonio's
13 lawyer, Scott Rosenblum, who told them that Antonio Washington
14 was no longer his client, and then Derrick Terry and Anthony
15 Jordan went to talk to Washington's mother who said that the
16 Feds were trying to move her. None of this came from Michael
17 Grady.

18 Terry also said that he had Michael Grady look into
19 someone named Kenny Keys. The only thing found in Michael
20 Grady's office related to Kenny Keys was this envelope and the
21 form inside with no information filled out. There is no
22 docket sheets, no filings, no notes about court hearings,
23 nothing else about Kenny Keys. But Terry didn't need Michael
24 Grady to know Kenny Keys was cooperating. He had all of the
25 information he needed about Kenny Keys's cooperation from the

1 search warrant found in Terry's possession at the Texas
2 arrest. It was in that search warrant in the paragraph
3 describing what confidential witness number 4 was telling law
4 enforcement, and CW-4 stated that Terry would load up his
5 truck and either drop money or deliver it -- I'm sorry, would
6 either load up the truck with dope or money and deliver it to
7 Jordan. Next to the paragraph talking about this exact
8 cooperating witness, CW-4, is a little handwritten note that
9 says Kenny. Michael Grady didn't tell Terry that Kenny Keys
10 was cooperating; Stanford Williams did. Derrick Terry read
11 this search warrant, the one that Stanford Williams sent down
12 to him, and knew right away that Kenny Keys was cooperating.

13 Terry said that Michael Grady and Oscar Dillon gave
14 him information on Jerome Lewis, the same Jerome Lewis who was
15 housed in D pod with Stanford Williams, Stanford Williams who
16 had already provided information about cooperators to Derrick
17 Terry. I just went through some of it, the same Jerome Lewis
18 who Michael Grady talked to when he first got to D pod. Look
19 at that video because it doesn't look to me like Michael Grady
20 had the kind of hatred of snitches that Derrick Terry said
21 that they shared. The Government even showed you a file from
22 Michael Grady's office with Jerome Lewis's name on it.
23 Remember, that file came from Michael Grady's office. It
24 wasn't found at the Kennerly house. That file, it doesn't
25 show that Jerome Lewis was cooperating. The last document in

1 that file about Jerome Lewis was from November 15, 2013 before
2 Terry said that he met with Michael Grady for the first time.
3 If Michael Grady had been giving Derrick Terry information
4 about Jerome Lewis, the docket sheet would have been updated
5 past the arrest of Jerome Lewis. The docket sheet ends on
6 November 15, 2013. We saw at the Kennerly house that there
7 were multiple docket sheets for Anthony Jordan, each one
8 updating the last, but for Jerome Lewis, the last entry we
9 have is right after he gets arrested.

10 Terry testified that Michael Grady was giving him
11 information about sealed court filings, but the only sealed
12 filing in this docket was the original complaint. There were
13 no other sealed filings on this docket sheet. And again, the
14 information in Jerome Lewis's file is from before Terry had
15 ever met Michael Grady. That is reasonable doubt.

16 The information that Terry said about Boo Boo, there
17 were no documents found in Mr. Grady's office about this
18 person named Boo Boo, and Terry said that he was never shown
19 anything. But Michael Grady didn't need to show Terry
20 anything. Terry said that he was interested in Boo Boo
21 because he heard that this person, Boo Boo, was cooperating
22 against his friend, Donald White, Donald White who had a life
23 sentence. As you can see from this docket report that I
24 submitted, Donald White went to trial, and when he lost, he
25 was given a life sentence. The people cooperating against

1 Donald White would have testified at that trial. Boo Boo
2 would have been one of those people testifying against Donald
3 White. Terry didn't need Michael Grady to tell him that.
4 Everybody knew that Boo Boo was cooperating against Donald
5 White because he came to court to testify.

6 Derrick Terry also said that he got information about
7 Don McGhee and Dominic Irons, but he told you that he was
8 interested in these people because they all related to
9 Jordan's case and he knew that he had dealings with Jordan and
10 that Jordan could implicate him. That's why he said he paid
11 Michael Grady in November, because he was getting worried that
12 everything was about to come to an end and he wanted to make
13 sure he had an attorney ready to go. It wasn't for
14 information about conspirators -- or cooperators; it was to
15 get ready to fight the case.

16 The only document in Derrick Terry's possession that
17 wasn't publicly available that actually identified cooperators
18 in Terry's case, that didn't come from Michael Grady. It came
19 from Stanford Williams, the person who was cooperating with
20 the Government at the time but never told them that he was
21 trying to tip Derrick Terry off that the Government knew about
22 the murders that he had participated in. Williams never told
23 the Government that he had given Terry this information so
24 that Terry would keep hiding or hide better. Williams never
25 told the Government that he had ways of contacting Terry who

1 was a fugitive at the time, and he certainly didn't tell the
2 Government that he was giving Derrick Terry information about
3 who was cooperating against him. With the information that
4 Stanford Williams sent him and from reviewing his own
5 discovery, Terry could put together a way out. He could see
6 who had been cooperating, and when the Government came
7 knocking, he could just feed their own information back to
8 them. He could tell them that all the information he had read
9 in his own discovery about cooperators, that that all came
10 from Michael Grady, the paralegal who the Government asked
11 about first thing.

12 Derrick Terry said that he would have so many
13 meetings with Grady and Oscar Dillon. They would be at his
14 drug house -- multiple drug houses and he would have them
15 almost every day. But Derrick Terry was under investigation
16 at this time. Those houses were under investigation, and
17 there are no reports of Michael Grady visiting any of those
18 houses. Terry's right-hand man, Stanford Williams, never met
19 Grady or Dillon before the day of the round-up. And even more
20 incredible, Derrick Terry can't remember specific details
21 about these almost daily meetings. He couldn't tell you when
22 they specifically happened, where they specifically happened,
23 what they specifically talked about. The only things he could
24 remember were what the Government wrote down for him. That's
25 reasonable doubt.

1 On the day of the round-up, Derrick Terry told you
2 that he met with Michael Grady and Oscar Dillon at an
3 Applebee's and there was another person there, someone Derrick
4 Terry identified as Yummy, someone the Government showed a
5 picture to Derrick Terry of and he identified that person.
6 The Government knew who this person was, and they could have
7 called that person to testify to verify about what was talked
8 about at this Applebee's, but they didn't. That's reasonable
9 doubt.

10 Terry told you that when Michael Grady showed him the
11 document, the first thing he said -- the first thing Michael
12 Grady said to him was that we're going to fight the case.
13 Terry had already paid a lawyer to fight the case. He knew
14 something big was coming, and Michael Grady said let's fight
15 it, let's take it to trial, fight it because it's only a drug
16 conspiracy. This is what Michael Grady did for a living. He
17 got cases ready to take them to trial. He doesn't get paid if
18 there is no case to work. He doesn't get paid if Derrick
19 Terry is on the run. All of a sudden, we are supposed to
20 believe that Michael Grady then decided to tell him to run,
21 and Derrick Terry says he trusts this person's advice but
22 doesn't trust him enough to talk to him on the phone when he
23 is on the run.

24 Let's talk about these payments that Terry said he
25 made. First he said he paid Michael Grady \$2,500 for the work

1 he did on the motion for early termination, legal work; then
2 another 5,000 for giving him information, but he doesn't
3 remember when or where he gave Michael Grady this payment; and
4 then there was a 10,000-dollar payment for hiring an attorney;
5 and then a 50,000-dollar payment for hiring an attorney. This
6 was on the night of the round-up at Gents Bar, the one with no
7 CAST report showing Michael Grady was back at Williams's house
8 again in the evening for I believe the fourth time that day
9 according to Stanford Williams. With all of these payments,
10 there was no concealment, not like the other instances that
11 Terry testified to about concealing the sources of his funds
12 when he bought houses and he paid his rent. He actively hid
13 who provided the money for those properties, but with Michael
14 Grady, he didn't testify that he concealed anything about
15 where the money was coming from. If he actually paid any of
16 this money, it was no secret it was coming from Derrick Terry.
17 He didn't conceal it. And the money that was going to a
18 lawyer to represent him, there was no secret about that
19 either. That lawyer was supposed to represent Derrick Terry.

20 Derrick Terry had multiple sources of income. Some
21 of it was illegal; some of it was legitimate. Derrick Terry
22 never told Michael Grady which account he pulled his money
23 from, and he had taken great steps to give people the
24 appearance of having legitimate sources of income. He owned
25 properties. He got rent from those properties. He owned a

1 car shop. The lack of a receipt that the Government keeps
2 focusing on, that's not what makes or breaks the money
3 laundering count. The Government must prove knowledge. They
4 must prove that there was a concealment that the money came
5 from Derrick Terry. They haven't met that burden.

6 The Government showed you Michael Grady's phone
7 records, and they tried to show you just the parts between
8 Charda Davis and Stanford Williams who never identified
9 Michael Grady in open court and who never said that she gave
10 Michael Grady any money but did provide two addresses where
11 she met a man she told the Government was Michael Grady. And
12 again, we don't have any cell tower records, we don't have a
13 CAST report to corroborate any of that information. They
14 could have verified what she said about those meetings, but
15 they didn't. That's reasonable doubt. And it wasn't just
16 phone calls between Charda Davis and Williams and Oscar
17 Dillon, it was phone calls with attorneys, other attorneys,
18 and all of these other phone numbers that they never
19 identified.

20 When I first stood up before you two weeks ago, I
21 asked you to listen to those cooperating witnesses but verify
22 what they were telling you. Now that we have gone through the
23 Government's case, you have those tools that you need to
24 verify what the cooperating witnesses have told you. The
25 biggest piece of physical evidence that the Government has

1 against Michael Grady is those phone records, and it shows
2 that when Michael Grady was in contact with Charda Davis and
3 Stanford Williams, he was also in contact with the very
4 attorney who Derrick Terry wanted to fight his case. That's
5 what Michael Grady did. He would find out that someone needed
6 an attorney and he would find an attorney for them. Just like
7 he did with Kelvin Williams who hired Raphael Morris right
8 after Michael Grady got in touch with him and just like he did
9 with Justin Shelton who was represented by Robert Taaffe who
10 Michael Grady was also in contact with during the period of
11 those phone records. That is what he did. You can see it in
12 the phone calls, and you can see it in the e-mails. Michael
13 Grady found attorneys for people and then worked the cases
14 with those attorneys.

15 Michael Grady saw that there was corruption in the
16 criminal defense bar here in St. Louis. Michael Grady saw
17 this activity and he wanted to do something about it. And it
18 wasn't because of Derrick Terry, it was because it was
19 happening to all criminal defendants across St. Louis, and
20 because he saw that corruption, he looked for attorneys who
21 would come in and fight, who would come in and just take their
22 client's cases, fight hard against the Government instead of
23 walking their clients into a lion's den. This is the
24 corruption the Government is talking about when they called
25 Michael Grady a corrupt paralegal. Michael Grady would find

1 attorneys that actually pushed back against the Government,
2 and they didn't like it.

3 Here we have an attorney who was representing a
4 defendant and a cooperator in the same case, and a judge in
5 this building said that that was not right. This was
6 ethically troubling. And who was that attorney? Scott
7 Rosenblum who represented Antonio Washington and Anthony
8 Jordan. This is the conflict that is mentioned in Anthony
9 Jordan's docket sheet, and it is the conflict that Michael
10 Grady discussed with Anthony Jordan. Incidentally, this same
11 attorney who uncovered this ethically troubling behavior of
12 Scott Rosenblum, Bill Margulis, he also represented Jerome
13 Lewis. We have the same ethically troubling behavior
14 happening a second time in this case. Michael Fagras who
15 represented Adrian Lemons at the beginning of this case later
16 represented Derrick Terry, and conveniently, he was Derrick
17 Terry's attorney when Terry started to cooperate. We have
18 three different examples of the corruption that Michael Grady
19 was trying to fight against. The first is what is written
20 about in that Rosenblum article. The second instance is the
21 same attorney doing the same thing in this case. And then the
22 third instance is this same case but with a different
23 attorney, Michael Fagras, representing two defendants on the
24 same case.

25 It didn't matter to Michael Grady what Anthony Jordan

1 was accused of or what Derrick Terry was accused of. It
2 didn't matter to him what anyone was accused of because he
3 believed that defendants have rights given to them by our own
4 founding documents, and they deserve to have someone fighting
5 on their side. Michael Grady believed in the Bill of Rights.
6 No matter how flawed he believed -- or we believe that
7 document is, he believed that defendants are protected under
8 this founding document. The Constitution sets up the
9 government and defines the scope of its power, but the
10 amendments to the Constitution, that's for us. That's for the
11 people. It is a shield that stands in the way of the
12 Government's power. It protects us from the Government going
13 too far and it limits that power. Within the Bill of Rights
14 is a guarantee that every person accused by the Government,
15 every person whose liberty is threatened by the Government,
16 they are entitled to an attorney. It doesn't matter what you
17 did. If the Government accuses you of a crime and they want
18 to deprive you of your liberty, you are entitled to have
19 someone represent you, to have someone fight for you, someone
20 who has your interest at heart and not the Government's.

21 That's what Michael Grady believed, and Michael Grady
22 knew that not everyone could afford a team of attorneys. He
23 knew that most people he dealt with, they can't afford an
24 attorney at all. It didn't matter to Michael Grady because
25 the Bill of Rights made no distinction and neither did he. He

1 knew that there was a power imbalance in the criminal justice
2 system. And just look at the Government's table, they have
3 four people sitting there; Michael Grady has one. All he
4 wanted was to make sure that if the Government was coming for
5 someone, at least they had a chance.

6 Timothy Harris said it better than I can. When the
7 judge in his case asked him why do you want to bring on Seals
8 and Bailey, what are they going to do for you. He said "to
9 help prepare my defense, to strengthen my defense because I am
10 up against the Government and I can't beat the Government
11 alone, so I figured the more help to help prepare my case, to
12 look into it, because he seemed to be a little busy or he
13 seems nonchalant or last minute. He's not prepared every time
14 we come to court. It's been several times he asked me what
15 did we come here for, what did you want to see us for. And I
16 know that may be getting off into our relationship, but that's
17 just what I see, so I told him maybe that would help the
18 situation and strengthen my defense. That's all I am trying
19 to do is strengthen my defense because I'm up against a bigger
20 entity and that's the Government. And alone I just don't feel
21 like he's got my best interest at heart."

22 That's what Michael Grady did. He prepared cases.
23 He worked for clients so that they wouldn't be alone against
24 the Government. Michael Grady took the experience that he had
25 gained from 66 years of living and channeled it into helping

1 criminal defendants defend themselves, and the Government
2 didn't like that. He had a legitimate business, and he did
3 legitimate work. Derrick Terry and Stanford Williams saw
4 their way out, their way out of cages that they put themselves
5 in. All they had to do was say the magic words "Michael
6 Grady" and "Oscar Dillon". The Government took 25 boxes of
7 files from Michael Grady's office, so many files of legal
8 research, investigation, work that a paralegal does, and
9 Derrick Terry was the only one who they could find in those 25
10 file boxes who would say that Michael Grady was corrupt, and
11 he didn't start saying it until he realized Michael Grady was
12 his get-out-of-a-life-sentence free card.

13 Of all the things that Stanford Williams and Derrick
14 Terry told you, all the meetings, the conversations, the
15 payments, the Government didn't show you one surveillance
16 report, one recorded conversation, one document to verify what
17 these two were telling the Government and then you. When
18 Detective Gaddy said he did nothing to corroborate what
19 Stanford Williams said, that hasn't changed. The physical
20 evidence doesn't corroborate what Stanford Williams and
21 Derrick Terry have said.

22 Ladies and gentlemen, I won't have a chance to talk
23 with you again, and when the Government addresses you again, I
24 hope that in the back of your mind you ask yourself how would
25 Ms. Michaelis respond to what the Government is arguing.

1 Where is the corroboration? Where does the Government verify
2 what they are telling me? In the end, when you have answered
3 those questions for yourself, I ask you to return the only
4 verdict consistent with the evidence, that Michael Grady is
5 not guilty on all counts. Thank you.

6 THE COURT: Thank you, Ms. Michaelis. Mr. Glozman.
7 And before you begin, let me direct this to the members.
8 Ladies and gentlemen, I've been informed that your lunches are
9 available. Do you want to continue and conclude the closing
10 argument or take a brief luncheon recess? Forge ahead?

11 All right. We are going to take an abbreviated
12 lunch, ladies and gentlemen. Do you think 20 minutes will be
13 sufficient for you? All right. We will take a luncheon
14 recess at this time. During the course of the recess, do not
15 discuss the case amongst yourselves or with anyone else.
16 Don't allow anyone to discuss it within your hearing or
17 presence. Do not form or express any opinions about the case
18 until it is, in fact, given to you to decide. Do not use any
19 cell phones or other devices that could connect to the
20 internet that might allow for such discussions or viewings,
21 and don't use any social media platforms during this recess.
22 About 20 minutes, folks, give or take. All right.

23 **(Court Recessed for Lunch from 1:30 p.m. Until 2:05 p.m.)**

24 THE COURT: Mr. Glozman, you may proceed with your
25 closing argument.

1 MR. GLOZMAN: Ladies and gentlemen of the jury, you
2 have been sitting here for about two weeks now what has up
3 until now been a silent role in a somewhat unique criminal
4 trial. For the last two weeks, you have been the passive
5 recipients of the evidence and the testimony introduced by the
6 prosecutors and ourselves. In a short while after my final
7 argument and the rebuttal by the Government, you will finally
8 take the active role in this case, and you will be charged
9 with deciding the fate of Oscar Dillon. When you approach
10 this task, it must be approached with a willingness to speak
11 what many people think are the hardest words in life to utter,
12 "I don't know". When we say that, "I don't know", we are apt
13 to feel like it means something unintelligent or uneducated.
14 Those words, "I don't know", might even mean that we are
15 confessing for a second that life just doesn't make sense, but
16 you must go into that jury room gripped with the courage to
17 speak those words if you determine them to be appropriate, for
18 that is what a not guilty verdict means. It means in plain
19 terms "we do not know", "not for sure".

20 If you say not guilty, you are saying as a group we
21 thought hard about these charges and this evidence and we do
22 not know for sure. That might be the wrong answer back in
23 school if you are taking a test, but not in the jury room. Do
24 not feel like you failed because you have come to that
25 conclusion. In fact, it is your obligation to say those words

1 if they are true because you can only convict if you are
2 convinced beyond a reasonable doubt, but if doubt remains, and
3 frankly in this case it must, if you find reason to doubt,
4 then it is your duty to come back here, stand before us all,
5 and say in substance "we do not know for sure". You have
6 together sworn an oath to render a true verdict, and if in the
7 end that is your conclusion, that you do not know for sure,
8 then the oath you have taken means you have to say the only
9 words that you can, "not guilty".

10 Now, in this case, we know the Government doesn't
11 like Oscar Dillon. If they made anything clear, it's that.
12 They didn't like who he was hired by and they didn't like the
13 people he was trying to help because they were the people they
14 were trying to put in jail. He was a man perceived as making
15 their job harder. He was calling out things the Government
16 may have been doing wrong, helping investigate defendants who
17 they were trying to put in jail, the same people they are now
18 using to put him in jail.

19 And you saw Agent Burke's e-mails, they were
20 targeting Dillon. They were hell-bent on getting Dillon.
21 It's not a coincidence that that e-mail from Burke came the
22 same day Burke got an e-mail from Mr. Reilly telling him about
23 a hearing about paralegals in the case of Timothy Harris, in a
24 case where they asked the judge permission to get the
25 discovery, not just getting it straight from the client like

1 they want you to believe. And you heard Ms. Michaelis earlier
2 today read the transcript from that hearing, why Timothy
3 Harris wanted Seals and Bailey to help, because the
4 Court-appointed lawyer could not or would not. Mr. Dillon
5 along with Mr. Grady were there to help people that sought
6 their help. Sometimes those people had money; sometimes those
7 people did not have money. But every single witness the
8 Government put on that stand said Mr. Dillon was an
9 investigator. That's what they knew him as. And the job of
10 an investigator regardless of who they are hired by,
11 regardless of their beliefs about the people they are hired
12 by, much like an attorney, is to do their job, to investigate.
13 And that is what Mr. Dillon did.

14 This case has made clear that all the information Mr.
15 Dillon was working with was publicly available, all of it. We
16 went through dozens of pages of search history on his phone
17 over and over again. You saw those PACER searches on his
18 phone. We now know that PACER is available to anyone. It's
19 public. All you have to do is sign up, get a user name, put
20 your credit card in, and you can access any federal case
21 that's been filed in this country. And on these dockets,
22 there is never information about who the cooperators are.
23 That's also made abundantly clear. All you can see are
24 publicly available documents, like indictments or minute
25 orders. If something has sensitive information on it, it's

1 sealed and no one can see it, not me, not Mr. Dillon, and that
2 is done in cases where people cooperate and it's done in cases
3 where people don't cooperate.

4 And Mr. Dillon would go to public proceedings in
5 courtrooms like this where we all heard the identities of
6 cooperators are not disclosed and all people are allowed to
7 come in and watch. If there is sensitive information in the
8 proceedings, then it is not open to the public. Mr. Dillon
9 like everyone else would not have been allowed in. But the
10 Government didn't like that Mr. Dillon knew how to access this
11 information, the same information that is available to each
12 and every one of you, the same information that is available
13 to Derrick Terry if he wanted to get it himself. And as I
14 said in my opening, that's how this story of Mr. Dillon
15 sitting in that chair came to be.

16 I have thought for awhile how I wanted to present Mr.
17 Dillon's closing to you, but the last thing I want to do is
18 show you a bunch of exhibits that you have been looking at for
19 two weeks and that you will have the chance to review if you
20 want to back in the jury deliberation room. So I promise,
21 during this argument, I will only show you one piece of
22 evidence. It is a piece of evidence I believe encompasses
23 this entire case and puts into perspective why we are all
24 here.

25 This is an e-mail that was written by Detective Gaddy

1 on May 4, 2016, long before I was ever on the case, long
2 before I tried to get someone through my cross examination.
3 It's an e-mail that's withstood the test of time, and if we
4 break it up, we see exactly how Mr. Dillon ended up being
5 here. At the time this e-mail was sent, the Government only
6 had Stanford Williams as a cooperator. They were three months
7 away from arresting Derrick Terry, and they were six months
8 away from Terry cooperating. So let's break this down and see
9 what the Government was thinking on May 4, 2016.

10 First, in regards to Mr. Dillon, Detective Gaddy says
11 "Terry was provided info prior to being unsealed by Paralegal
12 Michael Grady and his partner, Oscar Dillon." This was based
13 on Williams telling them that Dillon and Grady showed him and
14 Terry the indictment on January 10th or 11th. We know through
15 this case that the indictment wasn't unsealed until the 13th,
16 so the Government was excited. They had proof that Mr. Dillon
17 had some inside source or a nefarious way of getting this
18 information, and we know for sure that Williams was talking
19 about the 10th or 11th because both he and Detective Gaddy
20 admitted that he talked about two separate series of events,
21 one on the 10th or the 11th and one on the 13th, the day of
22 the round-up. The round-up was his guide post, so they
23 couldn't have been the same day. The 13th was the round-up,
24 and the 10th or the 11th was the first series before the
25 round-up, and he said he didn't see Dillon on the 13th, and

1 the Government believed this because Detective Gaddy told the
2 magistrate judge when he was seeking a warrant that this
3 happened on January 10th or 11th. The Government loved this.
4 They knew that the indictment had not been unsealed yet, so
5 they could accuse the paralegals of getting documents in some
6 kind of improper way.

7 But as the investigation went on, they realized that
8 what Williams told them was impossible, that it was a lie.
9 They could not have shown him and Terry the indictment on the
10 10th or the 11th because Grady was in Florida and Terry was in
11 Texas. But they didn't care to learn this until after they
12 indicted Oscar Dillon. It didn't matter to them even though
13 they had all the cell site data available to them to prove
14 that Grady wasn't there.

15 So now because it was apparent that it was impossible
16 for the meeting to have happened before the 13th, the story
17 changed. They no longer had evidence that Dillon was getting
18 unsealed documents, and the evidence in this case has
19 supported that. All of the documents pulled off of his phone
20 were public records because that's all he can get just like
21 everyone else. And even though Williams was contradicted,
22 they had him come up here and tell you all of this happened on
23 the 13th, the day of the round-up, because that was his
24 benchmark for remembering everything. But if that was his
25 benchmark for remembering everything, why did he specifically

1 tell agents that these events with Dillon happened before the
2 benchmark and then tells you the other day that it happened on
3 the benchmark? Read his cooperation agreement. It will tell
4 you why he said it.

5 Detective Gaddy goes on to say in this e-mail that
6 they, Dillon and Grady, directed Terry to flee. Well, that
7 may be what they are trying to prove to you now, but back in
8 May 2016, they just did not have that information. Detective
9 Gaddy went in front of a magistrate judge the day after this
10 e-mail was sent and he admitted to you on the stand that when
11 he was asked to provide details about how they directed Terry
12 to flee, he couldn't. He did not tell the judge that Dillon
13 talked to Terry directly, and he did not tell the judge that
14 Williams passed along the message to Terry about needing to
15 flee because they didn't have the evidence to support it. And
16 you can bet if they did, they would have told the magistrate
17 judge. There was no evidence to support that Dillon directed
18 Terry to abscond, not directly and not through Williams, and
19 no evidence to corroborate Williams.

20 What they had was a story that Stanford Williams had
21 told them. This story goes back to January 29, 2016, the day
22 he was arrested. As we know after he was arrested, he decided
23 to cooperate with the Government, and he started telling them
24 about Derrick Terry and the drug trafficking organization and
25 then he mentions a paralegal, just one. He said that and

1 Detective Gaddy's notes that I showed you showed that also.
2 And that one paralegal was not Mr. Dillon, but they showed him
3 a picture of Oscar anyway even though Stanford Williams wasn't
4 talking about him. So after Williams mentions the paralegal,
5 the meeting stops, and Mr. Reilly and Detective Llewellyn are
6 called in. It becomes obvious that they think this subject is
7 important, and instead of continuing the meeting, they move it
8 for a few days so that Stanford Williams can get a lawyer so
9 that it can be explained how important this part of his
10 cooperation is going to be.

11 And at that point, Williams knew he had given money
12 to Grady and that the Government was looking for Terry. Look
13 at Gaddy's notes in the evidence from that first meeting. All
14 it mentions is Terry leaving and money from a paralegal. So
15 then he starts telling the Government that it was Grady and
16 Dillon since he was shown a picture of both of them that told
17 Terry he should run. That's what the Government wanted to
18 hear. He begins to tell the Government that this meeting
19 happened with them on January 10th or 11th where they had
20 Terry's indictment and told him that Terry should run. And as
21 the meetings go on over the years, he begins to tell them that
22 he passed along this information to Terry, but Williams never
23 told them that Grady and Dillon talked directly to Terry. He
24 just didn't know if they did or what was said if they did.
25 But the Government didn't care. They had their story.

1 But in all this excitement, Stanford Williams messed
2 up. As he was being walked back to the marshal's elevator, he
3 had a conversation outside the presence of Mr. Reilly and the
4 two agents walking him and he tells them that it was him that
5 convinced Derrick Terry to run, not Dillon and Grady. That,
6 however, did not fit the Government's story. That's not what
7 they wanted to hear, so it was never brought up by them again,
8 not in future meetings, not at the Grand Jury, not in his
9 direct testimony. It wasn't until our cross examination that
10 the truth finally came out. And why would the Government want
11 you to hear that? It's not part of their story. And the fact
12 that Williams admitted he convinced Terry to run is a reason
13 to doubt the Government's case.

14 What's interesting is, the first day that Williams
15 talked to the Government, he said only one paralegal was
16 involved, and Gaddy's notes said the same thing, but when he
17 couldn't remember to say Oscar Dillon's name on the stand, you
18 saw Mr. Reilly run up there and hand him a piece of paper to
19 read Oscar Dillon's name off of, because that's how they get
20 Oscar Dillon involved. And isn't it strange that
21 Mr. Williams, the man who smokes eight blunts a day while
22 drinking tequila and taking ecstasy, can remember verbatim
23 what Dillon said on a day that he was high but cannot remember
24 what he told the Government agents during their cooperation
25 meetings when he was sober. You saw what he said when I

1 questioned him. He just couldn't remember. But when you
2 think about the Government preparing his testimony three or
3 four times to go along with their story, it becomes much
4 clearer why he could recollect the words that were said five
5 years ago so exactly. The script was written for him.

6 When Derrick Terry was arrested on July 27, 2016 in
7 Dallas, he was asked if anyone advised him or directed him to
8 flee, and as we learned during this trial, Derrick Terry does
9 and says what's only good for Derrick Terry, no one else. And
10 at that time, he was not cooperating. He didn't have an
11 incentive to lie about other people. You remember what he
12 told the agents, no one directed him or advised him to flee.
13 The agents even asked him specifically about paralegals, but
14 he called them crooks, that's it, because that's all he
15 thought about them at that time when he had no incentive to
16 lie.

17 We even heard testimony from Stanford Williams and
18 Charida Davis that Terry told them to blow off Dillon and Grady
19 when it came to paying them money because that's what you do
20 with people who you think are crooks. The Government went out
21 of their way to show you that this wasn't a formal
22 conversation, that there was no lawyer involved, no
23 cooperation agreement signed, no discovery to scare Terry into
24 cooperating, no Mr. Reilly, but don't all these factors
25 actually make his July 16th statement seem more true, because

1 when you add in all those facts that he was cooperating, that
2 it was more formal, that there was a cooperation agreement,
3 that he saw the evidence against him, that the prosecutor was
4 there, that makes it more likely for Terry to cry because
5 that's when it becomes his best interest to do it. When
6 Derrick Terry begins to cooperate, the story all of a sudden
7 matches up with the Government's, that it was Dillon and Grady
8 who advised him to run.

9 The problem is, his story didn't match up with
10 Stanford Williams's. He tells you he met Dillon and Grady on
11 January 13th, not the 10th or the 11th. He said he didn't
12 meet with Stanford Williams that day until they saw each other
13 at night at the Gents Bar. But how does that make sense?
14 Williams told you that he saw Terry in the morning after
15 Dillon and Grady came to his house, then left, then Terry
16 came, then they came back, and then he saw Terry again. But
17 instead what Terry tells you is he never saw Stanford Williams
18 that morning, and he learned from his friend who works at a
19 salon that Dillon and Grady were looking for him. Then Terry
20 tells you that he met Dillon at The Original Pancake House,
21 that he watched him eat and then they went to Applebee's
22 together to meet with Grady. But we know from Dillon's text
23 messages that he was already eating at Cracker Barrel earlier
24 that afternoon. So he would have had to eat at Cracker
25 Barrel, go to the Original Pancake House and eat again, and

1 then go to Applebee's all within a couple hours.

2 The whole Original Pancake House meeting is a
3 complete fabrication because that's the only way that they
4 could put Dillon in that meeting. They saw on his phone that
5 he had a number saved for the Original Pancake House, and they
6 saw that Grady, not Dillon, called that number earlier that
7 afternoon. Dillon never called it. But easy enough, let's
8 just say Dillon was eating there when he met Terry, but they
9 missed the text message that I showed you on Friday from their
10 exhibit, the one they didn't want you to see, the one that
11 said he was already eating at Cracker Barrel. But that didn't
12 fit their story, and that's another reason to doubt their
13 case.

14 The whole notion that someone needed to tell Derrick
15 Terry to run away is complete nonsense. This man is a career
16 criminal who has been learning how to evade law enforcement
17 his entire adult life. He switches phones and throws away his
18 old ones every two weeks. He told you that. He walks around
19 the neighborhood with guns looking for cameras and undercover
20 vehicles. He doesn't talk on the phone. He goes through four
21 people to get the source of the drugs. He uses drug money to
22 buy 17 properties to wash his money. You really think he
23 needs Dillon to tell him to run away not to get arrested? He
24 already had money ready to go. He had four fake IDs, and he
25 had someone in Dallas where he was the day before the round-up

1 ready to get an apartment for him. It's not like running away
2 from the police is some kind of new or novel idea like the
3 Government wants you to think. It's the oldest way to not get
4 caught. You run.

5 And you know he is lying because when I asked him if
6 he has ever heard or seen drug traffickers run away before, he
7 said only on TV. And then when Ms. Michaelis asked him, he
8 admitted he already knew Gerry Cushshon had run away prior to
9 January 13th. Now, if he is sitting in that chair trying to
10 be honest or at least try to come across as being honest, why
11 would he lie about something so stupid and insignificant.
12 It's not like he would lose credibility if he admitted he had
13 seen or heard about other people running away before. And if
14 he is willing to lie about something so small and
15 insignificant like that, what else is he lying to all of you
16 about?

17 Terry also admitted during his testimony that Anthony
18 Jordan told him he was going to have a shoot-out with the cops
19 if they were going to try to arrest him, and that it was Terry
20 who convinced him not to do that and to stay away from his
21 family and kids because that's the first place law enforcement
22 is going to look. Ironically, this is the same exact
23 conversation Terry says he had with Dillon and Grady about
24 having a shoot-out with the police, and he tells you it was
25 after this conversation that Dillon and Grady convinced him

1 that he should run. But if you remember what Stanford
2 Williams said, that the shoot-out conversation was actually
3 between him and Terry, that it was he who convinced Terry to
4 run instead of having a shoot-out with the police. And when
5 Terry got to Dallas, what did he do? He didn't stay with his
6 girlfriend because that's where the police would look for him
7 first, the same advice he gave to Anthony Jordan.

8 When I confronted Derrick Terry with the fact that it
9 was his idea to flee and abscond, he did not want to agree
10 with me. So I showed him a copy of the statement that he gave
11 to the Government where he told them it was his idea. And
12 when confronted with this statement, his response, his excuse,
13 his lie, "well, that's just a typo." Are you kidding me?
14 Everything else the Government shoved in his face from that
15 statement was true, but the one fact that hurts their case is
16 a typo. Come on. You're all way too smart to believe that.

17 The interesting part about all of this is, Williams
18 after he began cooperating with the Government, supposedly
19 honestly, admitted to you that he sent Terry his discovery
20 that accused Terry of murder to make sure that Terry knew to
21 stay away, to stay on the run. That's the same person who
22 admitted he convinced Terry to run in the first place, not
23 Dillon.

24 So when you take the fact that Williams admits he
25 convinced Terry to run and the fact that Terry had the same

1 conversation about shooting out with the police and staying
2 away from your family with Jordan as Williams said he had with
3 Terry and the fact that William was sending Terry paperwork to
4 make sure he knew to stay away, what does that tell you?
5 Surely not that Mr. Dillon had anything to do with telling
6 Derrick Terry to run away and avoid prosecution.

7 In order to convict Oscar Dillon of attempted
8 obstruction of justice, you will have to find that he acted
9 corruptly, with a corrupt purpose, and that's what the
10 Government has to prove. But if you look back at the evidence
11 when it came to advising people, Mr. Dillon never did so
12 corruptly. When Mr. Dillon supposedly met with Anthony Jordan
13 after his house was raided by the feds, after he knew he was a
14 major drug trafficker and would likely be indicted, he never
15 told him to run. He never told him to obstruct justice in any
16 way. The meeting was set up so Jordan could take the
17 situation seriously, as he should have. And Dillon and Grady
18 suggested to Terry well ahead of his indictment that he should
19 get a lawyer back in November 2015 when Terry told you he had
20 this eerie feeling about what was going on. They didn't tell
21 him to run. They told him to retain an attorney, a good one.
22 That is the opposite of a corrupt purpose. That's what a
23 person is supposed to do when they are facing criminal
24 investigation. You hire an attorney. You prepare to defend
25 yourself. You fight for yourself, you fight the case. And

1 the Government wants you to believe that the same person who
2 is telling someone to get an attorney is later telling him to
3 run away and avoid prosecution. Now, that's a reason to doubt
4 their case because it doesn't add up. It defies common sense,
5 and the stories don't line up.

6 And look at the text message Mr. Dillon sent Grady
7 after Charda Davis got indicted. The Government showed it to
8 you not today but earlier they did and it said "she needs a
9 good lawyer." And the same with the other text messages that
10 they showed you, he refers people to lawyers because that's
11 the right thing to do. We know if there were any text
12 messages of Dillon advising someone to do something corrupt,
13 the Government would have showed it to you a hundred times,
14 but they didn't, and that tells us that they just don't exist.
15 Between the evidence of Williams and Terry's conversations and
16 Dillon's history of advising people to hire an attorney, not
17 absconding, this case becomes a little more clearer that the
18 Government's story about directing Terry to flee simply
19 doesn't add up.

20 The last part of this e-mail I want to bring your
21 attention to is the last sentence that I have highlighted,
22 that they would pass along valuable information such as who
23 was cooperating against the drug trafficking organization.
24 And this sentence is significant because of the timing of when
25 this e-mail was sent. Detective Gaddy sat on the witness

1 stand and told you that they did not know Dillon and Grady
2 were passing along information about cooperators until Derrick
3 Terry told them when he was cooperating. That wasn't until
4 November of 2016, and we know that to be true because if Stan
5 Williams had any kind of information about them passing along
6 about cooperators, he surely would have sat up there and told
7 you about it, but he didn't. This is something that was made
8 up six months before Terry was cooperating, something the
9 Government wanted to be true and something Terry was willing
10 to say for them because he needed to save his life. And
11 surely, no one else told the Government about this because if
12 they did, you would have heard them testify. And when I
13 showed Detective Gaddy this e-mail, he had no answer. He did
14 not know what to say because there are no explanations. I
15 definitely don't have anything for you. But it's an e-mail
16 that I can't cross-examine and get to say anything.

17 Now, Mr. Dillon providing information about
18 cooperators to Derrick Terry is the crux of this whole
19 conspiracy to commit drug trafficking in this case. It's the
20 Government's theory that by providing this information to
21 Derrick Terry, Dillon became a member of a drug trafficking
22 organization -- or the drug trafficking conspiracy. And in
23 order for this to be true, the Government would have to prove
24 beyond a reasonable doubt that there was an agreement between
25 Dillon and at least one other person, presumably Derrick

1 Terry, that by him investigating and sharing information about
2 ongoing cases was for the purpose of distributing controlled
3 substances.

4 Now, I am not going to go through all the elements of
5 conspiracy. You've heard Judge Autrey talk about it, Mr.
6 Reilly's talked about it, but there is one section I want to
7 bring to your attention. "A person's mere knowledge of the
8 existence of a conspiracy or mere knowledge that an objective
9 of a conspiracy was being considered or attempted or mere
10 approval of the purpose of a conspiracy is not enough to prove
11 that the person joined the conspiracy." And what the
12 Government has to prove to you is that Mr. Dillon joined an
13 agreement to distribute a controlled substance with the intent
14 to further the crime of distribution of a controlled
15 substance, and that is simply not the case here.

16 Now, just to get it out of the way, both Stanford
17 Williams and Derrick Terry told you that Mr. Dillon did not
18 distribute drugs for them, did not distribute drugs to them,
19 did not broker any of their deals, did not package the
20 narcotics or anything of that nature. They both said they
21 never saw Dillon with drugs. So this charge comes down to
22 whether Mr. Dillon's work as an investigator puts him in the
23 Derrick Terry drug trafficking conspiracy. And despite the
24 fact that Derrick Terry sat up there and rattled off key words
25 like conspiracy, RICO, continuing criminal enterprise, aiding

1 and abetting, that's not proof that Dillon joined this
2 conspiracy. Those are words he learned from someone else.

3 I am not going to stand up here and tell you that Mr.
4 Dillon did not look up documents relating to Antonio
5 Washington's case or Anthony Jordan's case or that he didn't
6 download the documents on his phone. That's all true. But he
7 kept track of public records to see what was going on with
8 people's cases, the updates. That was his job. And I'm also
9 not going to tell you that he didn't know Derrick Terry was a
10 drug trafficker. I think anyone within a 10-mile range of
11 Derrick Terry knew he was a drug trafficker, but that's all
12 the evidence shows in this case, that's it. Derrick Terry sat
13 up here and tried to convince you how valuable all this
14 information was, how monumental it was, how it doubled or
15 tripled or whatever it did to his drug trafficking
16 organization, how Dillon was the offensive and defensive
17 coordinator of this football team. Come on. I would think
18 it would be a little bit more believable if he didn't
19 exaggerate so much about how helpful this information was. I
20 don't think anybody can believe what he says. It just doesn't
21 make any sense.

22 First of all, Terry knew that Anthony Jordan's door
23 was kicked in by the feds before Dillon ever told him
24 anything. He went to go see Scott Rosenblum first before they
25 ever told Dillon anything about what was happening. He also

1 admitted that he knew Antonio Washington's case went from
2 state court to federal court and that he went missing after it
3 went to federal court and then he said the whole neighborhood
4 knew he must be cooperating because of this, not something Mr.
5 Dillon told him. And then Derrick Terry also admitted to you
6 that Anthony Jordan had an inside source at the St. Louis
7 Metropolitan Police Department who would give them information
8 about cooperators, firsthand knowledge. That's not some
9 public documents Mr. Dillon pulls off on his phone at the
10 Cracker Barrel.

11 When someone gets indicted by the federal government,
12 no one in their right mind would continue to do business with
13 them, drug or any other kind of illegal business, certainly
14 not an experienced drug dealer like Derrick Terry. And if
15 they are incarcerated, they definitely can't deal drugs with
16 them, and the Government knew you were too smart to think
17 that, so they went a different route with their theory. They
18 knew Terry was a violent and murderous man, so he wanted to
19 put the fear in you that Dillon was providing information to
20 Terry because they all hated snitches and they all wanted them
21 dead. Derrick Terry said that to you. This is what the
22 Government wants you to believe about Mr. Dillon, but Mr.
23 Dillon had absolutely no stake in Derrick Terry's drug
24 trafficking business. If Terry made more money selling drugs,
25 Dillon wouldn't make more money selling drugs. It's not like

1 they pooled their money together like Derrick Terry and
2 Anthony Jordan did. If Terry got to sell more drugs or buy
3 more drugs, that didn't mean that Dillon would get to sell
4 more drugs or buy more drugs. Terry never saw him with any
5 drugs. And if those people snitched, it's not like they would
6 snitch on Dillon. They worked with Terry. Dillon didn't work
7 with Terry. That whole concept that Dillon didn't like him
8 just doesn't make any sense.

9 And the Government did not have any evidence that
10 Dillon is some sort of violent man that hurt people or killed
11 people. You know they would have used it if they had even the
12 slightest bit of it. No evidence he ever used a gun or owned
13 a gun, no weapon of any kind. No evidence he was ever
14 involved in any kind of killing or violence. That's because
15 there isn't any of it. Terry certainly has that in his
16 background. He helped Jordan kill three people. He tried to
17 kill a cooperator back in 2008 to help his friend. But as he
18 admitted to you, all of his violence and all of his murders
19 occurred before he ever met Dillon. Not a single act of
20 violence or murder after he met him and definitely not based
21 on any information that he may have gotten from Mr. Dillon or
22 Mr. Grady.

23 The truth is, Derrick Terry got absolutely no value
24 from the work that Oscar Dillon did. Think about it. He says
25 he paid him \$2,500 in mid 2014 for a motion to terminate early

1 supervised release -- or for early termination of supervised
2 release, and that got denied. Then he supposedly paid \$5,000
3 for information to avoid getting indicted, but he got indicted
4 six months later after having been able to survive without
5 Dillon for years as a drug dealer. Then he said he paid
6 \$20,000 or \$70,000, whatever number you want to believe, he
7 said he paid that for a lawyer that they recommended, and he
8 still got indicted and still got arrested. They did nothing
9 for him besides print out some documents that said Jordan and
10 Washington were charged with crimes, the information Derrick
11 Terry already knew from the streets. And if I was Derrick
12 Terry, I'd probably call them crooks, too. I'd say they were
13 just after my money, just like he told the agents July 27,
14 2016 before he started cooperating to save himself from a life
15 sentence.

16 Think about it. If this information was so valuable,
17 so significant, don't you think that a person who wears a
18 50,000-dollar watch, a 20,000-dollar chain, has multiple cars,
19 and owns over 17 houses would have paid more than \$5,000 for
20 this information, this information that is exponentially
21 growing his business two or three times keeping him out of
22 jail? \$5,000? That alone is a reason to doubt the
23 Government's case. Compared to how much he was spending on
24 everything else, this \$5,000 represents what he thought of the
25 information that he was getting. Not much. And it's true, he

1 got no inside information, no inside source, no actionable
2 information. All he got was a handful of print-outs from
3 PACER and then he got indicted six months later. Where is the
4 value in that?

5 What's even more telling about what Terry thought
6 about their information was what he did after he ran away to
7 Dallas. Shortly after he left, his right-hand man, Lieutenant
8 Stanford Williams, got arrested. But instead of asking
9 Mr. Dillon who was providing all this valuable and significant
10 information that was monumental to drug trafficking activities
11 to find out what was going on with his friend, his lieutenant,
12 his second-in-command, he didn't ask Mr. Dillon or Mr. Grady
13 to do it. He admitted that he asked his friend, Deshawn
14 Jones, to look into it, the same one who gave him fake IDs.
15 And then Stan Williams himself was feeding him information
16 while he was on the lam, the same guy who convinced him to
17 leave, not Dillon. He never talked to Dillon after he left or
18 even told him where he was going.

19 Now, I kind of understand Charda Davis not knowing
20 Oscar Dillon even though she dated Terry during the time he
21 allegedly met with Oscar Dillon every single day, but how in
22 the world can Stan Williams not know or meet him until January
23 2016? If he is Terry's right-hand man, an integral part of
24 his drug trafficking organization, don't you think he would
25 know who Dillon is, this supposed hot-shot corrupt

1 investigator? And wouldn't Terry want Williams to get
2 information from them, too, to stay out of trouble, to help
3 the organization keep going? He didn't though, and that just
4 doesn't make any sense.

5 The Government has spent a lot of time talking about
6 how important it is for them to keep the status of cooperators
7 secret, how important it is for their investigations, but
8 let's look at the two main cooperators that they presented to
9 you during the course of this trial. Stanford Williams was
10 sending Derrick Terry his discovery while cooperating to let
11 him know that the Government was looking at him for murder and
12 as a way to give him a sign that he should stay far away, that
13 he should stay on the run. The Government didn't seem to
14 care. They still put him up there and presented him to you.

15 And the same is true about Derrick Terry. He
16 admitted that he was telling people on the streets that he was
17 cooperating without telling the Government, and when I
18 questioned him about it, the Government jumped up and tried to
19 protect him. That had nothing to do with being honest with
20 them or completely or truthfully, whatever the words were. So
21 if the Government does not care that Stanford Williams was
22 sending his discovery to Derrick Terry while he was a fugitive
23 and they do not care that Derrick Terry has been telling
24 people that he is a cooperator, what are we really doing here?
25 Does the Government really even care or they just want to make

1 sure that the story adds up to this e-mail that was sent six
2 months before Derrick Terry was cooperating.

3 I want to spend just a couple minutes talking about
4 this money that they were allegedly paid, these payments for
5 information and for the attorney that are the basis for the
6 conspiracy to commit money laundering charge. Like last time,
7 I'm not going to go through all the elements, but there is
8 just one that I want to show you. "Four, the defendant
9 conducted the financial transaction knowing that the
10 transaction was designed in whole or in part to conceal or
11 disguise the nature, location, source, ownership, or control
12 of the proceeds of the unlawful distribution of cocaine and/or
13 heroin." I asked Derrick Terry about this directly. I wasn't
14 trying to get him, just simple questions, and this is what he
15 said:

16 "QUESTION: Now, when you paid this money to Mr.
17 Dillon and Mr. Grady, the purpose was first to get a motion
18 filed; right?

19 "ANSWER: Yes.

20 "QUESTION: Then the purpose was to get information;
21 right?

22 "ANSWER: Yes.

23 "QUESTION: And then the purpose was to try to get
24 you a lawyer; right?

25 "ANSWER: Correct.

1 "QUESTION: And it was a transaction just like that;
2 right?

3 "ANSWER: Yes.

4 "QUESTION: Like going to the store and buying
5 something; right?

6 "ANSWER: Yes.

7 "QUESTION: You weren't trying to conceal the fact
8 that this was drug money; right?

9 "ANSWER: No.

10 "QUESTION: You weren't hiding the fact that this was
11 drug money?

12 "ANSWER: No.

13 "QUESTION: You just paid them because that's the
14 money you were using; right?

15 "ANSWER: Yes."

16 He said it unequivocally, that no purpose, not in
17 whole or in part, of paying the money was to conceal or hide
18 the fact that it was drug money. It was like any other
19 transaction, like buying rubber bands or sandwich bags or
20 baking soda. And it doesn't matter that there was no receipt.
21 It doesn't matter that he wasn't wearing a service uniform or
22 a suit when he paid this money. What matters is his intent
23 with paying the money, and the intent behind paying the money
24 in whole or in part was for the services he thought he was
25 getting: A motion, information, a lawyer. When Derrick Terry

1 wanted to conceal or hide his money, he did that through real
2 estate, not through Mr. Dillon. And if Derrick Terry had some
3 kind of other motive or intent, the Government hasn't provided
4 any evidence to it. But even if you think that he did, there
5 is no evidence that he had any kind of conversation with Oscar
6 Dillon or Michael Grady about the purpose of this intent aside
7 from getting this information. And without some kind of
8 agreement, there is no conspiracy. They thought they were
9 getting the money for a motion, for a lawyer, for whatever
10 else, and he told you the purpose of the payment was not to
11 conceal and not to hide what kind of money it was. I wasn't
12 trying to get him. That was just the truth.

13 You know, it was actually kind of amusing listening
14 to the way Derrick Terry described his interactions with
15 Dillon and Grady. It was like they were the same person. He
16 told you that they finished each other's sentences, that they
17 talked almost in unison, that they were everywhere together
18 and said almost all the same things. But if you look at the
19 rest of the testimony in evidence, that is far from the truth.
20 When Stanford Williams testified about his conversations with
21 Grady and Dillon, he said Dillon didn't say much. When Charda
22 Davis described her interaction with Grady and Dillon, she
23 said Dillon didn't say anything. That doesn't sound like they
24 are finishing each other's sentences and talking in uniform.
25 Dillon didn't have any contact information for Stanford

1 Williams or Derrick Terry or Charda Davis. He did not have
2 any calls with them or text messages or e-mails. None of them
3 had his contact information, no recorded conversations between
4 them, nothing. And we also have no recorded conversations
5 between Dillon and Grady, no text messages between them
6 talking about Terry or him running away or giving him
7 information about cooperators, no text messages between them
8 talking about Stanford Williams or Derrick Terry's money or
9 laundering it. You know they would have showed it to you a
10 bunch if there was. No evidence to corroborate anything
11 Derrick Terry or Stanford Williams said about Dillon, not even
12 each other. Their stories contradicted one another.

13 So what are we left with to prove guilt beyond a
14 reasonable doubt? Before this jury trial began, all the
15 lawyers here were tasked with selecting a jury that will be
16 fair and reasonable to both sides, and we certainly
17 accomplished that here. And when we were tasked with picking
18 you all as jurors, I came up here and I asked you all whether
19 you believed somebody could be guilty by association, and none
20 of you said that. And as the evidence has come out in this
21 case, you are now tasked with taking that belief into the jury
22 deliberation room because one of the things you are called
23 upon to decide now is if you think you can find Defendant
24 Oscar Dillon guilty by association, and the way the Government
25 has presented their case, they have surely put you in that

1 position.

2 If the evidence in this case has been consistent
3 about anything, it's that Mr. Dillon didn't do much or say
4 much. In fact, Stanford Williams acknowledged that when he
5 saw Mr. Dillon in jail, he said he didn't know what he was
6 doing there. And it's appropriate that this thought came to
7 Mr. Williams at the Lincoln County Jail, because the one count
8 of this indictment that has to do with the jail kind of puts
9 into perspective what Mr. Dillon did or didn't do. The
10 Lincoln County Jail count is the one that charges Mr. Grady
11 with the Stanford Williams affidavit. Mr. Dillon is not
12 charged in that count even though he was at the jail with him.
13 And this count was the only one that had some sort of
14 corroborating evidence that the Government could use, the
15 surveillance video. And even though Mr. Dillon was there with
16 Grady, it's the one count with the video that they didn't
17 charge him in.

18 So we must ask ourselves, if the Government
19 acknowledges that Mr. Dillon's presence near Grady at the jail
20 does not make him guilty because the video is undeniable,
21 would the Government also think he is not guilty if there were
22 videos of other interactions between Derrick Terry and
23 Stanford Williams, because without the videos, we are left
24 with the Government's theory of guilt by association and the
25 words of two murderers and drug traffickers who will do

1 anything and say anything that is in their best interest and
2 to stay out of jail. And to convict Oscar Dillon, you have to
3 believe them because that's what the Government's story about
4 Mr. Dillon is based on. That's what they want you to believe.
5 They want you to believe Stanford Williams and Derrick Terry
6 because that's all they have against Mr. Dillon. And we know
7 that if Stanford Williams's word was enough to convict
8 Mr. Dillon, the Government would have indicted him much
9 sooner. They had the Stanford Williams story on February
10 2, 2016. They knew where Seals and Bailey was located. They
11 knew Mr. Dillon was at the courthouse on February 12th out in
12 the open, even Detective Gaddy snapped a picture of him. But
13 that wasn't enough. Stanford Williams's word is not enough.
14 The Government needed something or someone to corroborate what
15 Williams told them about Mr. Dillon.

16 On September 7, 2016, they seized five cell phones
17 they believed belonged to Mr. Dillon, but those didn't help
18 them either. There were no calls or text messages between
19 Dillon and Derrick Terry or Stanford Williams or anyone
20 associated with a drug trafficking organization. No location
21 data to put him at any of these meetings. No sealed documents
22 and nefarious sources to make him seem corrupt, nothing. So
23 the Government got desperate. In November 2016, they
24 convinced Derrick Terry to cooperate. We already went through
25 what I think of him and what the evidence shows about the

1 reliability of his testimony. No one can possibly believe
2 anything that Derrick Terry said, certainly not beyond a
3 reasonable doubt. If the Government could convict someone on
4 the word of Derrick Terry where the standard of proof is proof
5 beyond a reasonable doubt, I can't think of a single case
6 where a reasonable doubt would exist. He is a murderer, a
7 drug trafficker, and most importantly for our purposes he is a
8 liar that will do and say anything as he has his entire life
9 to get what is best for him.

10 You know, I have tried to think of an appropriate
11 word that I can use to describe his testimony while also being
12 respectful to this Court, and the best that I could do is
13 baloney. That's what it is. And the Government could put as
14 much frosting on his testimony as they want and call it a
15 birthday cake, but at the end, it is what it is, baloney, and
16 you can't convict someone on that, particularly not Mr.
17 Dillon, and the Government knows that.

18 So what they did was they started showing you
19 evidence of other bad things they think Mr. Dillon did. I
20 think we spent two days talking about the package that was
21 delivered to the bar on Delor on September 7, 2016, but as
22 Detective Gaddy kept telling you over and over again,
23 Mr. Dillon is not charged with that conduct, that Derrick
24 Terry has nothing to do with those drugs, Stanford Williams
25 has nothing to do with those drugs, no one in their drug

1 trafficking organization has anything to do with those drugs,
2 and those drugs have nothing to do with this case. But we can
3 take what Williams and Terry told us about drug trafficking to
4 analyze what happened. Both Williams and Terry unequivocally
5 said that the drug trafficking business is all about one
6 thing, money. That's all it's about. But after two days of
7 listening to testimony about Dillon receiving this package,
8 absolutely no evidence of him expecting to get paid to receive
9 that package, no text, no anything, no discussion what he was
10 supposed to do with the package, not selling it, not giving it
11 to someone, not doing anything after he signed the name of the
12 bar owner whose number he had in his phone.

13 Now, we can all agree that 10 kilograms of cocaine is
14 a lot, both in its value and in the risk of getting caught
15 with it. Absolutely no one in their right mind would do this
16 for free, but that's what the evidence in this case shows
17 about Oscar Dillon. Both Terry and Williams also told you
18 about the importance of countersurveillance, that Terry would
19 wake up, grab his guns, walk around the neighborhood looking
20 for cameras on lamp posts, look for cars with too much tinted
21 windows or weird plates to see if law enforcement was around
22 so they wouldn't get caught. And Detective Somogyi said the
23 same thing, that this is important for drug dealers. But
24 Detective Somogyi also testified that their pole camera was up
25 for a month before the delivery date, and absolutely no one

1 came by to do any kind of countersurveillance to see if it was
2 safe to receive this 10 kilograms of cocaine.

3 And what did Mr. Dillon do after he drove behind
4 Detective Somogyi and then looked directly at him? He doesn't
5 send a warning text to Glasses. He doesn't disappear or
6 refuse to be there when the package shows up. He goes right
7 back to the same place, the same place where eight to ten
8 undercover vehicles would surround him. Now, someone who is
9 expecting 10 kilograms of cocaine just does not act that way.
10 And the Government has talked about how this package was being
11 shipped to an abandoned bar, but Glasses you saw in the text
12 message was given two choices, the bar and an Imo's Pizza that
13 was still in operation, and that Glasses was the one that
14 chose the bar without any input. Now, what would the
15 Government's theory be if he had chosen the Imo's that was
16 still in operation? I don't know.

17 And both Williams and Terry told you that Oscar
18 Dillon was the one that told Terry to run away after he was
19 indicted for guns, but the day after Mr. Dillon was arrested
20 for the 10-kilogram package after he saw dozens of federal
21 agents swarm him at the bar, after he was accused of knowing
22 about the cocaine, what did he do? He went back to the
23 location where he was arrested the day after. You would think
24 he would want to lay low or run away like he supposedly told
25 Derrick Terry to do. And a week later, he walked himself into

1 the DEA office to grab his belongings that didn't really mean
2 much, like a wallet he could have gotten and a business card.
3 It's the DEA office. That's not the actions of a person who
4 advises people to run away when they are faced with the
5 prospect of federal drug charges.

6 This evidence was presented to you simply to distract
7 you from their otherwise weak case, to try to make you hate
8 Mr. Dillon and convict him for something he is not on trial
9 for, for something that another jury should decide. The jury
10 trial is the bedrock of our criminal justice system. Sure,
11 both sides want to win, but at its core, it's a search for the
12 truth. And even though the Government wants to win just as
13 much as I do, it's their role to make sure that in those cases
14 where there is proof of guilt beyond a reasonable doubt that a
15 person committed the charged crime, that they get convicted.
16 But stunts and misdirection have no place in what the
17 Government's job is, and that's the search for the truth.
18 There is a reason all of you have been chosen to sit on this
19 jury. Everyone believed that you represented the fair and
20 reasonable jury of Mr. Dillon's peers to scrutinize the
21 Government's evidence or the lack thereof. You are all too
22 smart to let this uncharged conduct and all the other
23 confusing and tedious evidence affect your ability to remain
24 true to your oath, to render a fair and just verdict.

25 In this case, if you hold the Government to their

1 burden of proof, proof beyond a reasonable doubt, and you
2 acknowledge that they have not overcome Mr. Dillon's
3 presumption of innocence, you must find Mr. Dillon not guilty.
4 In finding Mr. Dillon not guilty, you are not saying that you
5 agree with who he is or what he does. You are not saying that
6 you approve of who he works with or who he works for. You are
7 simply doing what you took an oath to do, an oath I know you
8 took seriously. And you took it upon yourselves to discuss
9 and go through every single element of every single charge to
10 make sure that the Government was able to prove each and every
11 one of them beyond a reasonable doubt. In this case, the
12 reasons to hesitate and the reasons to say I don't know, they
13 are clear and undeniable. They exist. So there is only one
14 verdict that's appropriate, but whether you are willing to
15 reasonably and honestly follow the instructions about proof
16 beyond a reasonable doubt and reach the verdict that is
17 required by the law, that is the question that both me and
18 Oscar Dillon ultimately leave up to each and every one of you.

19 THE COURT: Thank you, Mr. Glozman. You have 15
20 minutes, Mr. Boyce.

21 MR. BOYCE: Okay. Thanks, Judge. Good afternoon,
22 everybody. I understand I have 14 minutes, so I will get
23 right to it. It's the Government's burden, so we get the last
24 word. This is my opportunity to respond to some of the
25 arguments that the two defense counsel have made. In 14

1 minutes I can't do all of it, so I will hit the high points.
2 You are going to be instructed that you have to render your
3 verdict based on the evidence, your common seasons, and the
4 law. Common sense is a theme throughout this, so is evidence
5 because about 75 percent of what both counsel just told you
6 was not evidence. It was speculation, it was innuendo, it was
7 out-of-court statements that are not in evidence. Evidence is
8 defined in your instructions. It is the testimony from the
9 stand and the exhibits that are admitted. That is what you
10 have to limit your inquiry to, okay, evidence and your common
11 sense. The law is the instructions that Judge Autrey has
12 given you.

13 Couple quick points starting with Count Four from Ms.
14 Michaelis. She stood up here and told you -- this is the
15 affidavit in Lincoln County Jail. She stood up here and
16 actually told you that Stan Williams wrote that thing himself.
17 Seriously? You saw the video. You heard Stan talk. The
18 affidavit is in evidence. This isn't going to take you long
19 to realize that is not true. He didn't write that himself.
20 She also told you it wasn't done for corrupt persuasion.
21 Well, let's go back. That happened in December by Michael
22 Grady, the same guy who spent most of 2015 with Derrick Terry
23 trying to ferret out who his snitch is, the same guy who the
24 day Stan was arrested said "Stan got locked up down on Cottage
25 today," the same guy who while Stan was trying to talk to the

1 police called him, the same guy whose partner showed up at
2 Stan's first court hearing, the same guy whose job it is to
3 find out who is snitching. That guy is then charged in an
4 indictment with Stan Williams, ends up in the same pod through
5 a mistake, goes straight to him and says, hey, I hear somebody
6 went to the Grand Jury. Seriously? You think that that is
7 not with a corrupt motive? You think he is just trying to get
8 the truth out there? No way.

9 She also told you that Stan said everything in the
10 affidavit is true. Not the case. You were all here with me.
11 Stan was up on the stand. They went through a few lines,
12 there was a break, skipped down, skipped a few lines, and went
13 on. Stan didn't affirm the things that were skipped over, nor
14 would he. Stan told you Grady told him to put things in there
15 that weren't true. The instruction on this count says that
16 the influence has to only shade or color the testimony.
17 Obviously, when you come up to somebody in jail, your job is
18 to root out who our snitch is, you give him an affidavit to
19 copy, and then you file it in your own case, obviously that is
20 done corruptly to shade or color someone's testimony.

21 Ms. Michaelis talked about some other avenues of
22 information that Terry could have gotten stuff. Start with
23 the Haverwood documents, Government's 31. Just do it
24 yourself. Don't take my word for it. She suggested that this
25 search warrant affidavit that Terry got from Stan somehow was

1 the basis for Terry to make up this whole story. I am begging
2 you, don't take my word for it. Read it yourselves. Read it
3 and see if there is anything in there about Grady or Dillon or
4 selling information or any of this stuff, if there is any
5 basis from which Terry could have done that. There isn't. If
6 you read it, if you take the time -- it's pretty long, I read
7 it last night -- if you do that, you will know she has
8 completely mischaracterized that evidence.

9 And this is a quick point for me to say something. I
10 am not going to be kind to counsel here, but it's not
11 personal. They are doing their jobs. Their jobs are
12 essentially to divert you from the evidence, to misdirect you,
13 to mislead you, to put up a smoke screen because they know
14 that if you focus on the evidence and you apply the law and
15 you use your common sense, you will convict their clients. So
16 it's not personal. We still got to call them out when they do
17 it.

18 Let's see, Ms. Michaelis also said that Terry made
19 his story up based off of information he got from Jordan.
20 Where is the evidence of that? There is not a shred of
21 evidence of that. That is rank speculation unsupported by
22 anything. How did he make up all this stuff based on
23 information he got from Jordan? Not a shred of evidence of
24 that. You can only make your decision based on the evidence,
25 not based off of speculation, not based off of innuendo.

1 Ms. Michaelis also spent about half of her argument
2 talking about high-minded ideals like the Constitution and the
3 Bill of Rights. That's great as an attorney, but what
4 evidence was there of that? What evidence do you have about
5 Michael Grady's opinion one way or another of the Constitution
6 or the Bill of Rights? There is no evidence of any of that,
7 nor was there any evidence that any of the other work he did
8 was legitimate or illegitimate. You have a picture of boxes.
9 That's evidence. What's in those boxes, what was he doing
10 with it? We don't know. Maybe it was all legitimate, maybe
11 it was all illegitimate, maybe it was somewhere in between.
12 We don't know because there is no evidence. You have to make
13 your decision based on the evidence. The defense is under no
14 burden to produce evidence, but they also can't ask you to
15 make decisions that are not based on evidence. They don't get
16 it both ways. Maybe some of the work was legitimate, maybe
17 some of it wasn't, but it doesn't matter because we know that
18 the work in this case was not legitimate. You can ignore
19 three-quarters of what she said.

20 Let's talk about a couple things from Mr. Glozman's
21 statement, starting with the general notion that this is all a
22 giant Government conspiracy. Okay. Where is the evidence of
23 that? He showed you an e-mail. He left it up there, but what
24 did the Government do? The Government got the information
25 from Stan that Grady and Dillon had encouraged Terry to flee.

1 They conducted a nearly yearlong investigation. They gathered
2 evidence. It included encountering Dillon in September of
3 that same year after he just signed for a box full of cocaine.
4 They let him leave. Then once there was enough evidence, the
5 Government charged these two. The fact that these two were
6 charged is not evidence of a conspiracy against them. There
7 is no evidence at all that the Government made up this theory.
8 The defense has pointed to no place where the witnesses could
9 have gotten these ideas other than their own experiences
10 because that's where the witnesses got these ideas. Again,
11 this is innuendo, this is speculation. It's something that's
12 specious, something that looks good maybe for a minute, but
13 when you dig in a little bit, you realize, oh, no, no, that is
14 not evidence.

15 Mr. Glozman also talked about those events of
16 September 7th, and the reason I wrote it down was he said,
17 well, the Government has it in for Dillon because the
18 Government didn't like that he was able to download documents.
19 Well, the Government didn't know he was downloading documents
20 until he received a box full of cocaine and we got his phones
21 out of a car he was driving and looked at the phones. We
22 didn't have that information until September. We couldn't
23 have not liked it before we knew about it. And the Government
24 let him go. He walked out the door.

25 Now, to this notion that he didn't know what was in

1 the box, he did come back the next day. That is not evidence
2 of innocence. That is evidence of guilt. You heard it
3 explained that when you receive a big load of cocaine from the
4 cartel, from this guy Roque, that you are responsible for
5 \$300,000 worth of cartel dope and it gets taken, you have got
6 to prove it. He had to send the receipt back that ended up on
7 Roque's phone and get the search warrant from the bar, send it
8 back. So it is somewhat inconsistent to say he didn't know
9 what was in the box, but he sure knew the protocol for when
10 your cartel drugs gets seized. That all goes to his
11 knowledge, intent, lack of mistake in the charged offenses,
12 but that is pretty clear.

13 What else did Mr. Glozman talk about? You know, both
14 counsel talked a lot about the 10th and the 11th and all these
15 out-of-court statements. Those are not evidence. I know it
16 might not seem that way because they were used so much through
17 this case. The evidence is the testimony. You can consider
18 an out-of-court statement to the extent it might affect the
19 testimony, but waving around a stack of papers and saying
20 didn't you say this before, that's not evidence. The evidence
21 is the testimony. Stan Williams and Derrick Terry both
22 testified. That's the evidence.

23 As a quick analogy, I would say I would view the
24 whole defense team, everybody at that table, is lined up
25 pulling a rope all together like a giant tug-of-war team, they

1 drug and tugged and dragged at those two trying to get them to
2 change their story, trying to get something out of them, but
3 neither of them budged, and that's the evidence. The
4 testimony, that's what you have to base your decision on.

5 So here's the biggest thing -- there are other things
6 I could say, but I only have five minutes, so I am going to
7 get to it. This all comes down to Terry. If you don't
8 believe Terry, the defendants are not guilty, we agree. If
9 you do believe Terry, they are guilty, okay? So ask yourself,
10 this whole story, this whole thing about buying information,
11 the way it helped his organization, being told to flee, all of
12 that, why would anybody make that up? That's the first
13 question. Well, these guys aren't his enemies. They were
14 still his friends until August of '16 when he signed that
15 release. He was still being represented by their preferred
16 lawyer, so it's not because he doesn't like them. Why would
17 you make up this story? Seems like a confusing story to make
18 up. Like if you wanted to just frame these guys for some
19 reason, wouldn't you just say you bought or sold them drugs?
20 Like you wouldn't make up this story, so you wouldn't make
21 that up.

22 The Government is framing them? Well, again, there
23 is no evidence of that, and there is no evidence that Terry
24 knew the Government was supposed to be framing them. So
25 that's not a reason to lie. The reason that somebody might

1 not tell you the truth is clear, it's because they want to
2 curry favor with the Government for a reduced sentence.
3 Here's the biggest thing you have got to take away from that
4 line of argument. Why would he do it? Well, he does want a
5 sentence reduction. In order to get the sentence reduction,
6 he had to sign the proffer letter in November of '16. It's in
7 evidence, read it. It says he has to tell the truth about
8 everything, not just what we knew. You heard from the stand a
9 couple little nuggets. He told us about shooting the
10 informant as part of his cooperation, and he admitted the
11 double murder as part of his cooperation. He told us two
12 heinous acts that we didn't already know about.

13 So to believe the defense theory that this is all a
14 big lie, you have to accept that Terry was caught, he agreed
15 to cooperate, he put all these drugs on himself, admitted to
16 all these bad acts, and told the Government about two things
17 they didn't already know, and then in the next breath he made
18 up the story, this sordid tale, of Grady and Dillon. Does
19 that make any sense to anybody in this room? It doesn't even
20 make sense to them, but they can't admit it because it's their
21 job. It does not make sense. That is not what happened.
22 Derrick Terry did not subject himself to the death penalty,
23 plead guilty to life in prison just so he can frame Michael
24 Grady and Oscar Dillon. Why would he do it? He didn't. How
25 could he do it? How do you make up a lie about the meeting

1 that happened? He told us what happened. He didn't know that
2 Dillon had the Pancake House in his phone. He didn't know
3 about the call between the Pancake House and Grady. He didn't
4 know that Grady's cell phone hit at the tower next to
5 Applebee's. He didn't know about the gap in the phone records
6 between Grady and Dillon during the time of the meeting. He
7 didn't know about the gap in the browser history. How did he
8 make that up? He couldn't make that up. The meeting
9 happened.

10 How did he make up the content of the meeting? Grady
11 told me I had to be gone for 18 months to two years. Dillon
12 told me the reasons why it would be good to stand alone, let
13 the case filter out. How did he make that up when Stan
14 Williams told you the same thing? The two of them hadn't seen
15 each other since January of 2016. They hadn't spoken since
16 January of 2016. They don't get to read each other's
17 statements. They don't get each other's Grand Jury. Sit here
18 now and think where you were in January of 2016. Think of
19 somebody you were with. Could the two of you even tell the
20 same story from that time something five years ago, and more
21 importantly, could you tell the same lie about what happened
22 five years ago here in court if you had no opportunity to hear
23 from one another, if you had no opportunity to review each
24 other's statements? Terry wouldn't lie about this. He has no
25 reason to. It doesn't make any sense.

1 And he couldn't lie about this. He doesn't know what
2 we have. He doesn't know what was on their phones. He told
3 us about Washington. Washington gets to Jordan gets to Terry.
4 Terry doesn't know that's all over Dillon's phone. How could
5 he make up a story that they were looking for Washington who
6 can't be found and it's all over the phone? He can't possibly
7 know that. He can only tell you what he knows. We don't tell
8 him the whole big picture. You all get the big picture. You
9 all get to see it, and because you have the big picture, you
10 know Terry was telling you the truth.

11 There is a lot more I would love to say, but I'm
12 almost out of time so I will leave you with this. Downstairs
13 in the rotunda, there is a quote from Georgia Washington up in
14 the top. Maybe you noticed it, maybe you didn't. It says,
15 "Justice is the firmest pillar of good government." Look at
16 it on the way out after you convict these two. Thank you.

17 THE COURT: Will one of the CSOs get the CSO from
18 outside so the clerk can swear you all in. Will you swear in
19 the CSOs, madam clerk.

20 (CSOs sworn)

21 THE COURT: Ladies and gentlemen of the jury, will
22 you go with Erica and the CSOs to your deliberation room.
23 Will the alternates, the three alternates, remain seated where
24 you are in the back there for a moment.

25 (JURY OUT AT 3:15 P.M.)

1 THE COURT: Ladies and gentlemen who are the
2 alternates in this matter and who were selected as same, your
3 work is not yet finished. When Erica comes back, I will have
4 you report back to the Jury Assembly Room on the first floor.
5 It is important that I need you to stay there for a little bit
6 as things progress. Erica and/or one of the persons from the
7 Jury Assembly Office will report to you as things progress
8 along as to what your status is, okay? And again, during the
9 remainder of the trial and especially now, do not discuss the
10 case amongst yourselves or with anyone else. Do not allow
11 anyone to discuss this case in your hearing or presence.
12 Don't use any cell phones or other web-enabled devices to
13 access the internet, and especially do not access the internet
14 for the purpose of using any social media platforms that might
15 allow for a discussion of the case or seeing something about
16 the case or hearing something about the case. The general
17 admonition boils down to don't talk about it, don't do any
18 research about it, don't derive any conclusions about it
19 because your services may be needed. You were selected as my
20 insurance and backup folks. I still need you for that for a
21 little while, okay? So if you just stay seated where you are
22 right now until Erica gets back in, that will be great.

23 We will be in temporary recess.

24 **(Court Recessed at 3:18 p.m.)**

25

CERTIFICATE

I, Angela K. Daley, Registered Merit Reporter and Certified Realtime Reporter, hereby certify that I am a duly appointed Official Court Reporter of the United States District Court for the Eastern District of Missouri.

I further certify that the foregoing is a true and accurate transcript of the proceedings held in the above-entitled case and that said transcript is a true and correct transcription of my stenographic notes.

I further certify that this transcript contains pages 1 through 110 inclusive and that this reporter takes no responsibility for missing or damaged pages of this transcript when same transcript is copied by any party other than this reporter.

Dated at St. Louis, Missouri, this 9th day of April, 2021.

/S/Angela K. Daley
Angela K. Daley, CSR, RMR, FCRR, CRR
Official Court Reporter